

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7232 of 2016 (O&M)

Date of Decision: 24.05.2016

Baljit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in cross version registered vide D.D.R No.33 dated 30.10.2015 under sections 323, 324, 326, 34 I.P.C in F.I.R. No.122 dated 30.10.2015 under sections 324, 323, 326, 34 I.P.C (offence under section 326 I.P.C was added later on), registered at Police Station, Dhariwal, District Gurdaspur.

On 29.2.2016, while issuing notice of moiton, the following order was passed by this Court:-

“Counsel would submit that the cross version earlier was registered under sections 323, 324 I.P.C and the petitioner was released on bail and even recovery of Datar had been effected. It is contended that the necessity of filing the present petition has arisen as offence under section 326 I.P.C has been added subsequently. Counsel argues that under such circumstances, custodial interrogation of the petitioner would not be warranted. Further contended that the injury attributed to the petitioner and upon the person of Salwinder Singh and which has attracted offence under section 326 I.P.C is on a non-vital part of the body.

Notice of motion, returnable for 24.5.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jagdish Singh would apprise the Court that the petitioner has since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 29.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.05.2016
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