

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7720 of 2016 (O&M)

Date of Decision: 24.05.2016

Balwinder Singh & another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. R.K. Arya, Advocate for the petitioners.

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 petitioners in case F.I.R. No.122 dated 30.10.2015 under sections 324, 341, 323, 148, 149 I.P.C (section 326 I.P.C was added subsequently), registered at Police Station, Dhariwal, District Gurdaspur.

On 3.3.2016, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would submit that it is a case of version and cross-version. Earlier in point of time, FIR was registered under Sections 324, 341, 323, 148 and 149 IPC and the petitioners had duly surrendered and were granted benefit of bail. It is submitted that necessity of filing the present petition has arisen as subsequently Section 326 IPC has been added. It has been argued that the injury attracting offence under Section 326 IPC has been allegedly attributed to petitioner No.1 on account of a datar blow to Jaswinder Singh on a non-vital part of the body. It is further submitted that the injury attributed to petitioner No.2 has attracted offence under Section 324 IPC. Counsel has further apprised the Court that Baljit Singh who was an accused in the cross-version and who had also been attributed an injury with a datar blow attracting

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offence under Section 326 IPC has been granted interim protection as regards arrest by this Court in the light of order dated 29.02.2016 in CRM No. M-7232 of 2016.

Notice of motion, returnable for 24.05.2016.

To be listed along with CRM No. M-7232 of 2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they 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 petitioners have since joined investigation.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.3.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

24.05.2016
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