

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M No.7962 of 2016 (O&M)
Date of Decision: 02.05.2016**

Deepak Kumar

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by H.C. Malkeet Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail on behalf of the petitioner-Deepak Kumar in case FIR No.13 dated 02.02.2016, under Sections 328, 324, 34 of the Indian Penal Code (for short 'IPC'), registered with Police Station City South Moga, Distt. Moga.

On account of occurrence on 01.02.2016 at 4.20 pm, complainant Lakhwinder Pal Singh lodged the aforesaid FIR with the allegations that the present petitioner/accused-Deepak Kumar inflicted a *kirch* blow on the right shoulder's back of the complainant while co-accused Shampy threw chilly powder in his eyes. Motive attributed is that complainant demanded refund of Rs.3.5 lacs tendered earlier to the accused party.

It was contended that from the MLR recorded within 20 minutes at Civil Hospital, Moga, it is apparent that there is no mention of any discomfort in the eyes of complainant due to throwing of chilly powder. It was further contended that to make offence non-bailable, the false allegations of throwing chilly powder in the eyes has been lodged so as to attract offence under Section 328 IPC.

Learned Counsel for the petitioner submits that the petitioner has joined the investigation and his custodial interrogation is no longer required.

Learned State Counsel, assisted by HC Malkeet Singh, concedes that the petitioner has joined the investigation and recovery has already been effected, therefore, his custodial interrogation is no longer required.

In view of the above, interim protection/pre-arrest bail granted by this Court, vide order dated 04.03.2016, is made absolute.

Disposed of.

May 02, 2016

**(JASWANT SINGH)
JUDGE**

Gagan