

CRM-M-2140-2017 (O & M)

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

CRM-M-2140-2017 (O & M)

Date of Decision: 10.05.2017

Ashok Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. K.S.Chahal, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. N.S.Shekhawat, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner-Ashok Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.06 dated 05.01.2017, registered at Police Station Pasyana (Passiana), District Patiala, under Sections 307, 324, 323, 379-B, 506, 148 and 149 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

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From the record, I find that the petitioner is named in the FIR and stated to be armed with iron rod, but the injury attributed to him is shown as caused by sharp edged weapon.

Learned State counsel submitted that iron rod was having some sharp edged side also.

In pursuance of the interim order dated 23.01.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. It is stated to be a case of version and cross-version and it is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details; without expressing any opinion on the merits of the case and in view of the fact that at this stage, the present petitioner is not the main accused and injury attributed to him is only grievous, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. The order dated 23.01.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

10.05.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No