

CRM-M-23102-2017

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

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Date of Decision:20.09.2017

Bhagwan Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sukhdeep Singh Sidhu, Advocate,
for the petitioners.

Mr. A.P.S.Gill, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioners-Bhagwan Singh and Davinder Singh @ Kala have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.53 dated 28.04.2017, registered at Police Station Phul, District Bathinda, under Sections 308 and 34 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 contested this petition.

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

From the record, I find that neither petitioner-Bhagwan Singh has been stated to be armed with any weapon, nor any injury has been

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attributed to him. Though, petitioner-Devinder Singh alias Kala has been stated to be armed with *dang*. There is general allegation in the FIR in respect of causing so many injuries, but as per the MLR, there is only one injury on the person of Bahadur Singh and as argued, the said injury has been attributed to co-accused Ravinder.

In pursuance of the interim order dated 04.07.2017 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 04.07.2017, granting interim bail to the petitioners, is made absolute. However, the petitioners 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.

20.09.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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