

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M- 36816 of 2016 (O&M) Date of Decision: 07.03.2017

Satnam Masih & others

--Petitioners

Versus

State of Punjab & another

--Respondents

2. CRM No. M- 37663 of 2016 (O&M)

Lali Masih

--Petitioner

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Ritesh Pandey and Mr. M.S. Basra, Advocates
 for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-36816 of 2016 (Satnam Masih & others Vs. State of Punjab & another) and CRM No. M-37663 of 2016 (Lali Masih Vs. State of Punjab & another) as both these petitions have been filed under Section 438 Cr.P.C seeking the benefit of anticipatory bail to the petitioners in case F.I.R. No.16 dated 22.3.2016 under sections 326, 323, 324, 34 I.P.C, registered at Police Station, Fatehgarh Churian, Police District Batala, District Gurdaspur.

At the outset, it may be noticed that on the last date of hearing i.e. 19.12.2016 submission made by counsel appearing for Lali Masih i.e. petitioner in CRM No. M-37663 of 2016 had been noticed that an attempt is being made to arrive at a settlement with the complainant. Accordingly, on oral request the complainant namely Anwar Masih was impleaded as respondent no.2. Office report reflects that notice could not be issued to newly impleaded respondent no.2 as Process Fee had not been filed.

Counsel appearing for the petitioners would, however, take a stand that attempts to enter into a compromise have not fructified.

In so far as petitioners in CRM No. M-36816 of 2016 are concerned, only simple injuries have been attributed. The injury attracting offence under Section 326 I.P.C is attributed to Lali Masih i.e. petitioner in CRM No. M-37663 of 2016.

It is a case of version and cross-version. DDR No.16 dated 22.3.2016 under sections 323, 324, 452, 148, 149 I.P.C stands recorded at the instance of the accused party herein.

Learned State counsel upon instructions from ASI Davinder Singh would apprise the Court that the petitioners in these two connected petitions have since joined investigation and even the weapons used in the alleged occurrence have since been recovered.

In view of the peculiar facts and circumstances noticed herein above, custodial interrogation of the petitioners herein would not be warranted.

Accordingly, both the petitions are disposed of in terms of making the orders dated 14.10.2016 passed in CRM No. M-36816 of 2016 and 27.10.2016 passed in CRM No. M-37663 of 2016, as absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No