

CRM-M-36520-2017

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

CRM-M-36520-2017 (O & M)

Date of Decision:11.12.2017

Rishi Pal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Parveen Kumar Rohilla, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

Mr. Vijay Singh Saini, Advocate,
for the complainant.

INDERJIT SINGH, J.

CRM-39880-2017

Instant application has been filed under Section 482 read with Section 438 Cr.P.C. for addition of Section 326 of IPC in the head-note as well as prayer clause of the main petition.

Learned counsel for the petitioner submitted that Section 326 of IPC has been added later on and, therefore, it could not be mentioned in the head-note as well as prayer clause of the main petition and prayed that the same be read in the head-note and prayer-clause of the petition.

Heard.

In view of the grounds mentioned in the application, the same is allowed. Registry is directed to add Section 326 of IPC in the head-note

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as well as prayer clause of the petition and necessary additions in this regard be made.

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Petitioner-Rishi Pal has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.167 dated 08.05.2017, registered at Police Station Safidon, District Jind, under Sections 148, 149, 323, 324, 341 and 506 of IPC and Section 326 of IPC added later on.

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.

From the record, I find that as per the FIR, the present petitioner is named in the FIR and stated to be armed with *gandasi*. He gave injury on the right hand of the complainant, which is stated to be grievous one as per the FIR. However, DSP concerned made the inquiry and found that the grievous injury is not attributed to the present petitioner. Now, the investigation has been handed over to S.I.T. and learned State counsel submitted that the investigation is going on to find out as to whether the petitioner has caused the grievous injury or someone else.

In pursuance of the interim order dated 28.09.2017 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present

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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 28.09.2017, 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.

11.12.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

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