

CRM-M-40130-2017

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

CRM-M-40130-2017 (O & M)

Date of Decision: 08.12.2017

Mohinderpal Singh @ Lali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. V.K.Sandhir, Advocate,
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. Mohit Rampal, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

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

In view of the oral request made by learned counsel for the petitioner, it is directed that Section 326 of IPC be read in the head-note and prayer clause of the petition. Registry is directed to carry out necessary additions in this regard in the petition.

Petitioner-Mohinderpal Singh @ Lali has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity,

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'Cr.P.C.') for grant of anticipatory bail in case FIR No.142 dated 05.08.2010, registered at Police Station Lopoke, Amritsar Rural, under Sections 307, 326, 323, 324 and 34 of IPC and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has 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.

Learned counsel for the petitioner states that it is a case of version and cross-version. Though, the petitioner is named in the FIR and has been stated to be fired from the weapon, but no injury has been caused from the fire-arm weapon. The FIR was registered in the year 2010, but till now, challan has not been presented. He further states that earlier, the police filed the cancellation report, which was returned by the Illaqa Magistrate for further investigation. He further states that earlier, the parties effected the compromise and quashing petition on the basis of compromise was filed, which was later on got withdrawn as the complainant backed out from the compromise.

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 facts that no injury is attributed to the present petitioner and he has already joined the investigation, I find that he is not required for custodial interrogation and,

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therefore, no useful purpose will be served by sending him to custody. Finding merit in the present petition, the same is allowed. The order dated 27.10.2017, 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.

08.12.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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