

Sr. No.204

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-41051 of 2016 (O&M)

Date of Decision: 03.02.2017

Yonus Masih and another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Ms. Harmeet Kaur, Advocate,
for the petitioners.

Mr. S.K.Bansal, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.110 dated 03.08.2016, under Sections 452, 323, 148, 149 of IPC, registered at Police Station City Gurdaspur, District Gurdaspur, Punjab.

While issuing notice of motion, the following order was passed by this Court on 16.11.2016:-

“This is a petition for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C. in case FIR No.110 dated 03.08.2016 registered under Sections 452, 323, 148, 149 IPC at P.S. City Gurdaspur, District Gurdaspur, Punjab.

Learned counsel for the petitioners states that similarly situated co-accused Sukhar has been granted bail vide order dated 19.09.2016 in CRM-M-31583-2016.

Notice of motion for 03.02.2017.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to the

satisfaction of the Arresting/Investigating Officer and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Gulzar Singh apprises the Court that petitioners have since joined investigation.

That apart it may be noticed that the role attributed to petitioner No.1 was of having raised a *lalkara*. Insofar as petitioner No.2 is concerned even though he is stated to have inflicted a kirpan blow but the same is stated to have struck on the right shoulder of the brother of the complainant and such injury has been opined to be simple in nature.

In view of the above, prayer made in the present petition is accepted. Petition is disposed of in terms of making order dated 16.11.2016 passed by this Court, as absolute.

Disposed of.

03.02.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No