

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

CRM No.M-45500 of 2016 (O&M)

Date of Decision: 01.03.2017

Karamjit Singh @ Karma

... Petitioner

Versus

State of Punjab & another

... Respondents

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

Present:- Mr. C.K. Singla, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Shakti Mehta, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.161, dated 18.10.2016, under Sections 326/324/323/34 IPC, registered at Police Station City Samana, District Patiala.

While issuing notice of motion on 20.12.2016, the following order was passed by this Court:

“Learned counsel for the petitioner relies upon order dated 05.12.2016 passed by this Court in CRM-M-43336-2016 titled as Bhim Sain Versus State of Punjab whereby the co-accused of the petitioner has been admitted on ad-interim bail.

Notice of motion for 22.12.2016.

At this stage, Mr. Shakti Mehta, Advocate, has put in appearance of complainant and filed power of attorney which is taken on record.

To be heard along with CRM-M-43336-2016.

Interim in the same terms.”

During the course of resumed hearing thereafter, on 22.12.2016,

this Court had directed as follows:

“Learned State counsel on instructions from ASI Nirmal Singh states that the petitioner has not joined the investigation.

Learned counsel for the petitioner undertakes that the petitioner will appear before the Investigating Officer to join the investigation and cooperate as and when directed by this Court.

Adjourned to 01.3.2017.

The petitioner shall appear before the Investigating Officer tomorrow i.e. on 23.12.2016 at 11.00 a.m. to join and co-operate in the investigation.

Interim order to continue.”

Learned State counsel upon instructions from HC Ajaib Singh would apprise the Court that the petitioner has since joined investigation but the weapon used in the alleged occurrence i.e. an iron rod has not been recovered.

Even counsel appearing for the complainant has vehemently opposed the present petition by submitting that even though the petitioner may have joined investigation but the iron rod to inflict injuries upon the complainant is yet to be recovered.

Counsel for the parties have been heard at length.

During the course of arguments today, it has gone uncontroverted that main accused Bhim Sain who was stated to have been armed with a small kirpan and who was attributed the injury attracting offence under Section 326 IPC has been granted concession of anticipatory bail. It has also not in dispute that the injury attributed to the present petitioner on account of an iron rod blow has been opined to be simple in nature.

Under such circumstances, his custodial interrogation would not be warranted as the petitioner concededly has already joined investigation.

Accordingly, petition is allowed. Orders dated 20.12.2016 and 22.12.2016 passed by this Court are made absolute.

Disposed of.

01.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |