

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

**CRM No.M-46296 of 2016 (O&M)
Date of Decision: 23.03.2017**

Paramjit Singh @ Pamma & another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. A.S. Manaise, Advocate for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Umesh Kumar Kanwar, 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 anticipatory bail to the petitioner in case FIR No.126, dated 05.09.2016, under Sections 365/342/323/148/149 IPC, registered at Police Station Sadar Fazilka, District Fazilka.

While issuing notice of motion, the following order was passed by this Court on 23.12.2016:

“Learned counsel for the petitioners inter alia contends that the petitioners have not been named in the FIR, got registered by Mangat Lal on 05.09.2016. As per the contents of FIR, 5 persons have been specifically named to have been involved in the matter but subsequently, after 3 days, Satnam Singh-injured got recorded his statement under Section 161 Cr.P.C., in which, he has stated that there were 4 other persons, in addition, to the 5 persons named in the FIR at the time of occurrence. It is only on account of the statement of injured-Satnam Singh, the petitioners have been nominated as accused.

Learned counsel for the petitioners further contends that no specific injury has been attributed to the petitioners even by injured-Satnam Singh.

Notice of motion to the respondent for 23.03.2017.

In the meanwhile, petitioners are directed to join the investigation within seven days from the date of certified copy of this order. In doing so, they shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

During the course of arguments today, learned State counsel upon instructions from ASI Balbir Chand states that the petitioners have since joined investigation.

The observations made by this Court in the notice of motion order have gone un rebutted.

Learned State counsel further submits that insofar as petitioner No.1 is concerned, he has been attributed fist blows upon the injured, Satnam Singh and as regards petitioner No.2, he was un-armed though was a member of the unlawful assembly at the time of the alleged occurrence.

The petitioners having joined investigation, their custodial interrogation, as such, would not be warranted.

Petition is allowed. Order dated 23.12.2016 passed by this Court is made absolute.

Disposed of.

23.03.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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