

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5150 of 2017 (O&M)

Date of Decision: 27.04.2017

Charanjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Vipin Mahajan, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in a cross version recorded vide Diary No.29 dated 8.8.2016 under sections 323, 34 I.P.C (later on offence under section 325 I.P.C was added on 20.8.2016 and police has also added offence under section 308 I.P.C on 25.11.2016) in case F.I.R. No.44 dated 4.8.2016 under sections 326, 324, 34 I.P.C, registered at Police Station, Rangar Nangal, Police District Batala, District Gurdaspur.

On 16.2.2017, while issuing notice of motion, the following order was passed by this Court:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in a cross version recorded vide Diary No.29, dated 08.08.2016.

Counsel appearing for the petitioner would submit that it is a case of version and cross version. At the instance of the present petitioner, FIR No.44 dated 04.08.2016, was registered under Section 326/324/34 IPC at Police Station

Rangar Nangal, Batala in relation to an occurrence that took place on 03.08.2016 and in which the petitioner has received as many as 6 injuries including injuries which had been opined to be grievous in nature.

Further contended that in the cross version, DDR had been initially recorded under Sections 323/34 IPC and in which the offence was enhanced to 325 IPC after a period of four days and now after a period of five months, offence under Section 308 IPC has also been added.

Notice of motion, returnable for 27.04.2017.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel as also counsel appearing for the complainant do not dispute that it is a case of version and cross-version. In the main FIR that was registered at the instance of the present petitioner, the petitioner is stated to have received six injuries including an injury which has attracted offence under Section 326 I.P.C. Counsel appearing for the complainant would however interject to state that injury under section 326 I.P.C is on a non-vital part of the body of the petitioner.

Be that as it may, learned State counsel upon instructions from ASI Manbir Singh would apprise the Court that the petitioner has since joined investigation. Court has also been informed that investigation in the case is now complete and the final investigation report has been prepared and would be presented in due course of time.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 16.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.04.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No