

CRM-M-18987-2018

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

CRM-M-18987-2018

Date of Decision:04.07.2018

Babba @ Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. B.S.Jaswal, Advocate,
for the petitioner.

INDERJIT SINGH, J. (Oral)

Petitioner-Babba @ Gurwinder Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.63 dated 14.09.2017, registered at Police Station Mehta, Amritsar, under Sections 353, 186, 332, 379, 148 and 149 of IPC and Section 333 of IPC added later on.

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

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR has been registered on the basis of statement of Head Constable Gurjit Singh, who was posted in Police Post

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Butter Kalan. In his statement, complainant stated that when he approached village Sivia to note down the complaint of Shiv Singh, co-accused Malkit Singh @ Mita started quarreling with him and also gave punch blow on his face. Co-accused Banti caught hold of her neck, torn his uniform and started pelting stones towards the complainant.

Perusal of the FIR shows that no injury is attributed to the petitioner. His name is mentioned by stating that he was also present there.

In pursuance of the interim order dated 08.05.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 08.05.2018, 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.

04.07.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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