

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

**Crl. Misc. No.M-28263 of 2018 (O&M)
Date of Decision: October 23, 2018**

Om Parkash

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Kumar Sama, Advocate
for the petitioner (s).

Mr. Ramandeep S. Sandhu, Sr. DAG Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.6 dated 30.01.2018 registered for the offence punishable under Sections 307, 323 of Indian Penal Code and 25 of Arms Act, at Police Station Bahaw Wala, District Fazilka.

Heard.

Learned State counsel submits that petitioner has joined the investigation, which is still in progress but his custodial interrogation is no more required for the purpose of further investigation. He has pointed out that the injury mentioned on the person of complainant in the order dated 03.08.2018 is in fact injury on the person of petitioner and not on the complainant. The complainant had suffered injury with fire-arm.

Keeping in view the submission of learned State counsel, order dated 03.08.2018 is modified to the extent that injury mentioned on the person of complainant be read as injury on the person of petitioner.

As the custodial interrogation of the petitioner is no more required, this petition is allowed and order dated 03.08.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

October 23, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***