

CRM-M-34976-2018

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

CRM-M-34976-2018

Date of Decision:11.09.2018

Ashwani Kumar

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Deipa Ashdir Dubey, Advocate,
for the petitioner.

Mr. Karan Vir Singh, Advocate for
Mr. J.S.Toor, APP, U.T. Chandigarh.

INDERJIT SINGH, J. (Oral)

Petitioner 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.227 dated 18.06.2018, registered at Police Station South Sector 34, Chandigarh, under Sections 332, 353 and 506 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel 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 gone through the record.

From the record, I find that as per the allegations in the FIR, a boy aged about 12-13 years, came at the spot while driving the motor-cycle

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without helmet. When he was stopped by complainant-Head Constable Tejbir Singh, then he called his parents there. Thereafter, present petitioner, who is father of the said boy, caught hold of the complainant from back and mother of the said boy abused and slapped him.

In pursuance of the interim order dated 16.08.2018 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 16.08.2018, 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.

11.09.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

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