

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

**CRM-M No.35894 of 2018 (O&M)
Decided on: 13.11.2018**

Paramjit Singh and others

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.K. Bishnoi, Advocate
for petitioners No.1 and 3.

Mr. Himmat Singh, DAG, Haryana.

Mr. Gourav Jain, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.37304 of 2018

Prayer in this application is for addition of offence punishable under Section 307 IPC in the headnote as well as the prayer clause of the petition as it was added subsequently during the investigation.

Heard.

For the reasons stated in the application, the same is allowed and the offence punishable under Section 307 IPC is ordered to be added in the headnote and the prayer clause of the petition.

Disposed of.

CRM-M No.35894 of 2018

Petitioners No.1 and 3 pray for grant of anticipatory bail in

FIR No.195 dated 06.08.2018, registered under Sections 323, 34, 341, 506 of the Indian Penal Code (in short 'IPC') (Section 325 IPC added later) (Section 307 IPC added subsequently) and 27 of the Arms Act, at Police Station Sadar Tohana, District Fatehabad.

The operative part of the order dated 27.08.2018, vide which interim anticipatory bail has been granted to petitioners No.1 and 3, is reproduced as under:-

“...Learned counsel for petitioners No. 1 and 3 submits that the injuries attributed to petitioner Nos. 1 and 3 are on non-vital part of the body.

Learned counsel for petitioner No. 2 Mandeep Singh submits that even petitioner No. 2 has received injuries during the incident and he was also medico-legally examined, however, no cross-case has been registered by him.

In reply, learned State counsel, on instructions from ASI Mohinder Singh, assisted by learned counsel for the complainant, has referred to MLR of Lakhwinder Singh in which he has received five injuries, out of which, injury No. 2, on his right hand, was declared grievous and injury No. 1 is a lacerated wound of the size of 2 cm x 0.2 cm linear shaped oblique in direction over left parietal region of scalp 7 cm from left ear and 7 cm from middle and this injury is attributed to petitioner No. 2.

Since petitioner No. 2 is attributed an injury on the head of the complainant, the custodial interrogation is required to recover the weapon of offence. Therefore, I find no ground to grant him anticipatory bail. Hence, this petition qua petitioner No. 2 is dismissed.

As far as petitioners No. 1 and 3 are concerned, they are directed to appear before the Investigating Officer on 31.08.2018 at 10:00 AM and join the investigation. On

doing so, they be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioners No. 1 and 3 shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

List again on 25.09.2018...."

Counsel for the petitioners has submitted that, in pursuance to the order dated 27.08.2018, petitioners No.1 and 3 have joined the investigation.

Counsel for the State, on instructions from ASI Mahender Singh, has not disputed the aforesaid fact and submits that petitioners No.1 and 3 are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to petitioners No.1 and 3 vide order dated 27.08.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

13.11.2018

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