

CRM-M-43438-2018

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

CRM-M-43438-2018

Date of Decision: 01.11.2018

Raminder Virly

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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.63 dated 17.06.2018, registered at Police Station Subhanpur, District Kapurthala, under Sections 323, 324, 326, 341, 506 and 34 of IPC (Section 326 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 gone through the record.

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From the record, I find that the present petitioner is named in the FIR and stated to be armed with *kirpan*. He has caused injury on the left forearm of complainant-Mewa Singh which has been declared grievous one.

Learned counsel for the petitioner submits that the petitioner has also received injuries in the occurrence.

In pursuance of the interim order dated 03.10.2018 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; without expressing any opinion on the merits of the case and in view of the fact that it is a case of version and cross-version and it is yet to be determined by the trial Court on the basis of evidence as to who is the aggressor party, I find merit in this petition and the same is allowed. The order dated 03.10.2018, 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.

01.11.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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