

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-43975-2017(O&M)

Date of Decision: 20.02.2018

Kuldeep Singh & others

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Amandeep Kaur, Advocate for
Mr. P.B.S. Goraya, Advocate for the petitioners.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.79 dated 9.7.2017 under sections 326, 324, 148, 149 and 506 I.P.C, registered at Police Station, Sarhali, District Tarn Taran.

While issuing notice of motion, the following order was passed by this Court on 20.11.2017:-

“Prayer in the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 79 dated 09.07.2017 registered under Sections 326, 324, 148, 149 and 506 IPC at Police Station Sarhali, District Tarn Taran.

According to the prosecution, petitioner No. 1- Kuldeep Singh, gave a sword blow which landed on the index finger of the left hand of complainant-Nishan Singh, petitioner No. 2-Jaspal Singh @ Jasmel Singh, has been attributed to have exhorted to catch-hold the complainant and teach him a lesson, whereas petitioner No. 3-Gurpreet Singh @ Gurjinder Pal Singh, had thrown the complainant on the ground.

Learned counsel for the petitioners inter alia contends that initially, the petitioners were granted bail by the police and after adding Section 326 IPC, the learned Additional Sessions Judge, Tarn Taran, too granted anticipatory bail to the petitioners vide orders dated 28.08.2017 and 19.08.2017 (Annexure P-3, Colly.), but subsequently their anticipatory bail application was rejected vide order dated 30.10.2017 (Annexure P-5), without any rhyme or reason. The petitioners have already joined the investigation. No recovery has to be effected from them.

Notice of motion for 20.02.2018.

In the meanwhile, the petitioners are directed to join investigation as and when called by the Investigating Officer. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Harjinder Singh apprises the Court that the petitioners have since joined investigation.

Even though, allegations against petitioner no.1 Kuldeep Singh is of having inflicted a sword blow on the person of complainant Nishan Singh and which has attracted offence under section 326 I.P.C, yet, such injury is on a non-vital part of the body and even weapon used in the alleged occurrence is stated to have been recovered.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.11.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.02.2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No