

CRM-M-47439-2017

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

CRM-M-47439-2017

Date of Decision: 02.08.2018

Jaswant Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Munish Bhardwaj, Advocate,
for the petitioners.

Mr. H.S.Grewal, Addl. A. G. Punjab.

Mr. B.D.Sharma, Advocate,
for the complainant.

INDERJIT SINGH, J.

Learned counsel for the petitioners does not press the present petition qua petitioners No.1 and 2, Jaswant Singh and Tarlochan Singh.

Dismissed being not pressed qua petitioners No.1 and 2.

Petitioners No.3 and 4, Ekamjot Singh and Nirmal Singh have 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.187 dated 30.09.2017, registered at Police Station Kartarpur, District Jalandhar, under Sections 323, 324, 341, 506, 148 and 149 IPC and Section 326 IPC added later on.

Notice of motion was issued in this case. Learned State

counsel put in appearance on behalf of the respondent-State and

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complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that petitioner No.3, Ekamjot Singh is stated to be aged about less than 15 years. He is stated to be armed with *kirch* and has given its blow on the right heel of the complainant. Similarly, petitioner No.4 Nirmal Singh is stated to be armed with iron rod and has given its blow which hit on the back side of shoulder of complainant. Petitioner No.4 Nirmal Singh is stated to be more than 70 years old.

In pursuance of the interim order dated 21.12.2017 passed by this Court, petitioners No.3 and 4 have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending petitioners No.3 and 4 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 qua petitioners No.3 and 4 and the same is allowed accordingly. The order dated 21.12.2017, granting interim bail to the petitioners No.3 and 4, is made absolute. However, petitioners No.3 and 4 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.

02.08.2018

parveen kumar

Note:

Whether speaking/reasoned

Whether reportable

(INDERJIT SINGH)

JUDGE

: Yes

: No