

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8290-2018
Date of decision: 13.09.2018

Daya @ Daya Ram

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.113 dated 04.08.2017 under Sections 324, 323 read with Section 34 IPC (Section 326 IPC was added later on), registered at Police Station Guruharsahai, District Ferozepur.

While granting interim bail to the petitioner, following order was passed on 06.03.2018: -

“Counsel for the petitioner has submitted that after registration of the FIR, the petitioner was granted regular bail and later on, after a gap of four months, Section 326 IPC has been added. It is further submitted that though the incident relates to 01.08.2017, however, the MLR of injured – Charan Dass is of 03.08.2017 and the opinion given by the doctor that the injury is a grievous injury is after a gap of about four months. Counsel for the petitioner,

with reference to the FIR, submits that as per the allegations in the FIR, Charan Dass has been given injuries by the petitioner along with three other co-accused and as per the MLR dated 01.08.2017, two injuries were found i.e. one abrasion on right shoulder and one incised wound on right ankle joint which is attributed to the petitioner.

Counsel for the State, on instructions from HC Ram Parkash, assisted by counsel for the complainant, has, however, opposed the prayer for bail on the ground that the injured remained admitted in hospital for a period of 21 days on account of infection in the wound.”

Learned counsel for the petitioner submits that in pursuance of the order dated 06.03.2018, petitioner has joined the investigation and is not required for any further investigation. It is further submitted that subsequently, the matter has been compromised and even CRM-M-27896-2018 has been filed praying for quashing of the FIR on the basis of compromise and the same is now fixed for 08.10.2018.

Learned State counsel, on instructions from HC Gurcharan Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 06.03.2018 passed by this Court is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

13.09.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No