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

CRM-M-963 of 2019 (O&M)

Date of decision: September 06, 2019

Khushi @ Khushpreet Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Inderjit Sharma, Advocate for petitioner No.2.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioners, in FIR No.0133 dated 23.11.2018, under Sections 452, 324, 148, 149 of Indian Penal Code, 1860 (for short 'IPC') (Section 326 IPC added later on), registered at Police Station Phul, District Bathinda.

Petition qua petitioner No.1 has been dismissed as withdrawn vide order dated 13.02.2019 passed by this Court.

Allegation against petitioner No.2 is that he armed with *kirpan* entered the house of the complainant along with other co-accused and gave a *kirpan* blow on his left wrist joint.

On 13.02.2019, this Court has passed the following order:-

“Learned Counsel for the petitioners wishes to withdraw the present petition qua petitioner No.1-Khushi @ Khushpreet Singh.

Permitted to do so.

Ordered accordingly.

Learned Counsel for the petitioners contends that there

is delay of three days in lodging the FIR in question and Section 326, IPC has been added after the period of 20 days. Further contends that as per the allegation in the FIR, the injury has been attributed to petitioner No.2-Kali Ploatanwala @ Gurpreet Singh is on the wrist of the injured/complainant.

Adjourned to 13.03.2019 for further consideration.

In the meanwhile, petitioner No.2-Kali Ploatanwala @ Gurpreet Singh is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. Petitioner No.2-Kali Ploatanwala @ Gurpreet Singh is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Assistant Sub Inspector Balkar Singh has stated that in terms of order dated 13.02.2019, petitioner No.2 has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 13.02.2019 granting interim bail to petitioner No.2, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that petitioner No.2 shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 06, 2019

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