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

CRM-M-8625 of 2019

Date of decision: September 19, 2019

Boota Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishneet Singh, Advocate for
Mr. P.S. Khurana, Advocate for the petitioners.

Mr. H.S. Multani, AAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present second 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.0107 dated 22.11.2018, under Sections 324, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 323, 326 of IPC added later on), registered at Police Station Vairoke, District Fazilka.

As per prosecution case, petitioners along with one Gaggi went to the fields of the complainant and started abusing her sons. Petitioner No.1 gave *takua* blow on her mother-in-law and petitioner No.2 gave axe blow on her.

On 26.02.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that Section 326 IPC has been added later on i.e. almost 10 days of the registration of the FIR and moreover, the injuries are alleged on the non-vital part of

the body.

Notice of motion for 29.03.2019.

In the meanwhile, the petitioners are directed to join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are 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 Gurmail Singh, has stated that in terms of order dated 26.02.2019, the petitioners have joined investigation and their custodial interrogation is not required.

In view of the above, order dated 26.02.2019 granting interim bail to the petitioners, 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 the petitioners 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 19, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No