

209

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

CRM-M-11433 of 2019

Date of decision: July 10, 2019

Gurdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vishneet Singh, Advocate for the petitioner.

Mr. Saurav Khurana, DAG 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 the petitioner, in FIR No.26 dated 01.07.2018, under Sections 341, 323, 324, 34 of Indian Penal Code, 1860 (for short 'IPC') (Section 326 IPC added later on) registered at Police Station GRP Abohar, District Govt. Railway Police, Fazilka.

As per prosecution case, petitioner raised *lalkara* and gave *kapa* blow which hit on the tip of little finger of left hand of the complainant and further gave a blow on the back-side of his right shoulder.

On 15.03.2019, this Court has passed the following order:-

“Learned counsel for the petitioner contends that there is delay of four days in lodging the FIR as the occurrence is alleged to have taken place on 28.06.2018

and the present FIR was registered on 01.07.2018. Also contends that Section 326 IPC has been added lateron and the petitioner is ready to join the investigation.

Learned State counsel seeks time to produce the copy of opinion of doctor for addition of Section 326 IPC.

On his request, adjourned to 23.04.2019.

In the meanwhile, the petitioner 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 till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner 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 Gurcharan Singh, has submitted that petitioner has joined investigation in terms of order dated 15.03.2019 and his custodial interrogation is not required.

Learned counsel for the petitioner has submitted that parties have entered into a compromise and quashing petition, i.e. CRM-M-14804 of 2019 has also been filed before this Court, which is pending for 15.07.2019.

In view of the above, order dated 15.03.2019 granting interim bail to the petitioner, 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 petitioner 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

July 10, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**