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

CRM-M-16975 of 2019 (O&M)

Date of decision: August 22, 2019

Ashwani Kumar @ Ashni Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Surinder Thakur, Advocate for the petitioner.

Mr. H.S. Multani, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

CRM No.13586 of 2019

Present application has been filed for addition of Section 326 of Indian Penal Code, 1860 (for short 'IPC') in the main petition.

Learned State counsel submits that he has no objection in case Section 326 of IPC is added in the petition.

Heard.

Application is allowed as prayed for, subject to all just exceptions. Section 326 of IPC is added in the head note as well as prayer clause of the main petition.

Registry to do the needful.

CRM-M-16975 of 2019

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.11 dated 24.02.2019, under Sections

323, 324, 326, 458, 506, 34 of IPC, registered at Police Station Garhdiwal, District Hoshiarpur, Punjab.

Allegations against the petitioner are that on 23.02.2019, he along with other accused persons, armed with *kirpan*, entered the house of the complainant and gave a *kirpan* blow, which hit on his right leg. He also gave another *kirpan* blow which hit on his left leg.

On 12.04.2019, this Court has passed the following order:-

“The petitioner is seeking anticipatory bail in FIR No.11 dated 24.02.2019, under Sections 323, 324, 458, 506 and 34 IPC, registered at Police Station Garhdiwal, District Hoshiarpur, Punjab.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that he has inflicted kirpan blows on the leg of the complainant. The incident is an outcome of sudden quarrel between the relatives and the matter has now been compromised. Copy of the compromise has been appended as Annexure P-2.

Issue notice to the respondent, returnable on 23.05.2019.

In the meantime, petitioner is directed to appear before the Investigating Officer and join investigation.

In the even of his arrest, the Investigating Officer/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr. P.C.”

Learned counsel for the petitioner has submitted that the matter has been compromised between the parties and moreover, in terms of order dated 12.04.2019, petitioner has already joined investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Satpal Singh, although, has acknowledged the factum of joining investigation by the petitioner, but stated that *kirpan* is yet to be recovered.

Since the matter is stated to be compromised between the parties, therefore, order dated 12.04.2019 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 legality of the compromise between the parties or merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

August 22, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No