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

CRM-M-18424 of 2019

Date of decision: July 08, 2019

Gurbachan Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S. Mann, Advocate for the petitioners.

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 petitioners, in FIR No.0068 dated 23.08.2018, under Sections 323, 341, 365, 34 of Indian Penal Code, 1860, registered at Police Station Joga, District Mansa.

Petition qua petitioner No.1 has already been disposed off as infructuous by this Court vide order dated 29.04.2019.

Allegations against petitioner No.2 is that he forcibly caught hold of the complainant and caused injuries.

On 29.04.2019, this Court has passed the following order:-

“Contends that petitioner no.1 has already been arrested and therefore, the present petition qua him has been rendered infructuous and the same may be disposed off as such.

Ordered accordingly.

Contends that injury attributed to the petitioner no.2 is simple in nature.

Learned State counsel seeks time to have instructions in the matter.

Adjourned to 08.07.2019.

In the meanwhile, petitioner no.2 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 no.2 is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from police official present in Court to assist him has submitted that petitioner No.2 has joined investigation in terms of order dated 29.04.2019 and his custodial interrogation is not required.

In view of the above, order dated 29.04.2019 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

July 08, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**