

In the High Court of Punjab and Haryana at Chandigarh

101+225

CRM-M-41929-2018 (O & M)

Date of Decision: 17.07.2019

BABA PARMINDER NAND GIRI AND ORS

.....PETITIONERS

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G. S. Sandhu, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

CRM-21026-2019

This application is filed for addition of Section 201 IPC in the head-note as well as in the prayer clause of this petition.

Learned counsel for the petitioner contends that after recording of the FIR offence under Section 201 IPC was added which was not in the knowledge of the petitioner.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab accepts notice on behalf of the State.

For the reasons mentioned in the application, the same is allowed and Section 201 IPC shall be read in the head-note as well as in the prayer clause of this petition.

Registry is directed to carry out necessary correction.

Main Case.

The petitioners are seeking anticipatory bail in FIR No.64 dated 28.04.2018, under Sections 341, 324, 379, 148, 149, 506, 427 IPC and Section 201 IPC (added later on), registered at Police Station City Kotkapura.

Learned counsel for the petitioners contends that the disputed property was in possession of the petitioner's family even prior to the death of Mahant Sarupa Nand Giri, who was father of petitioners No.1, 2 and 4 and husband of petitioner No.3. The dispute between the petitioners and the complainant arose after the death of Mahant Sarupa Nand Giri. The civil suits filed by the petitioners and complainant were dismissed and thereafter the appeal filed by the petitioners was dismissed as withdrawn on the basis of statement made by petitioner No.1 after a settlement between the parties. He further contends that both the parties had received injuries and it is a case of version and cross-version. He also states that the injuries were earlier found simple in nature.

A coordinate Bench of this Court, by the order dated 04.10.2018, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of their arrest, they were ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioners, however, contends that during the pendency of this petition offences under Sections 325 and 326 IPC have also been added and the injury for which Section 326 IPC is added, in fact is attributed to petitioner No.2 as fingers of the complainant were cut.

Learned State counsel, on instructions from ASI Naginder Singh,

states that the petitioners have joined investigation and are not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined investigation, the order dated 04.10.2018 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 17, 2019
A.Kaundal

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