

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

CRM-M-33866-2020(O&M)

Date of decision: 30.10.2020

Gurbhagat Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Ashok Bhardwaj, Advocate for the petitioner

Ms. Samina Dhir, DAG, Punjab

Mr. S.K.Choudhary, Advocate for the complainant

ANIL KSHETARPAL, J. (ORAL)

On 21.10.2020, the following order was passed by this

Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 115 dated 09.08.2020, registered under Section 323 & 324 IPC (Section 326 IPC was added lateron), at Police Station Baghapurana, District Moga.

As per the case of the prosecution, the petitioner has grievously injured the first informant with a iron pipe.

Learned counsel for the petitioner contends that it is the first informant who had come to the shop of the petitioner and attacked him.

Notice of motion.

On the request of the Court, Mr. Bhupender Beniwal, Assistant Advocate General, Punjab accepts notice on behalf of the respondent and prays for time to file reply.

List on 30.10.2020.

Reply, if any, be filed by the respondent before the next date with an advance copy thereof to the learned counsel for the petitioner.”

A short reply by way of an affidavit has been filed. Ms.

Samina Dhir, learned State counsel, Punjab, admits that the petitioner has joined the investigation and on his disclosure statement, the recovery has also been made. She further informs the Court that the petitioner was granted bail, however, he is now sought to be arrested as offence under Section 326 IPC, has also been added.

Once the petitioner has already joined the investigation and on his disclosure statement, the recovery of alleged arm used in the incident has been made, no further custodial interrogation of the petitioner would be required. In view thereof, the present petition is allowed. The arrest of the petitioner is stayed subject to his cooperating during investigation. He shall be required to appear before the Investigating Officer as and when required. The investigating agency shall be at liberty to move an application for recall of the order, if the petitioner does not cooperate.

30.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No