

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

201

CRM-M-16710-2020

Date of decision:12.01.2021

Boby @ Vijay Masih

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Bikramjit Aroura, Advocate,
for the petitioner.

Mr. Randhir Singh Thind, D.A.G. Punjab.

Mr. Viney Kumar Malhotra, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.17 dated 30.01.2020 registered under Sections 324, 341, 427, 34 IPC and Section 326 IPC (added later on) at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

This Court, on 17.09.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

Learned counsel for the petitioner submits that as per the allegations, the petitioner has attributed a datar blow on the forehead of the complainant. He further submits that there is an unexplained delay of 06 days in lodging the present FIR. Section 326 IPC was added later on and out of four accused, three are on bail. Learned counsel further submits that there is a money dispute between Lovepreet Singh and complainant-Gurmukh Singh, who are cousin brothers and it was Lovepreet Singh, who has taken complainant-Gurmukh Singh on his motor cycle where the occurrence took place, at the spur of the moment.

Learned State counsel submits that the main injury, which has been inflicted on the head of the complainant, has been attributed to the petitioner but he has not disputed the fact that Section 326 IPC was added later on. He further submits that challan is yet to be presented.

Since in the present case, challan is yet to be presented and out of four accused, three accused are on bail, the petitioner is granted interim bail. Hence, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Adjourned to 12.1.2021.”

Learned counsel for the petitioner submits that pursuant to the order dated 17.09.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from S.I. Manbir Singh, submits that the petitioner has joined the investigation and recovery has also been effected from him. He further states that the petitioner is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 17.09.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

12.01.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No