

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

-.-
CRM-M-34513-2020 (O&M)
Date of decision : 14.01.2021.

Vikas

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 11.11.2020, the following order was passed:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.37 dated 09.03.2020 under Sections 323, 324, 326, 148 and 149 of Indian Penal Code, 1860 registered at Police Station City South Moga, District Moga, Punjab.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the case and that he is a neighbor and has nothing to do with the dispute between the complainant and his brother, Makhan Singh, who is stated to have since died. He further contends that the injury under Section 326 IPC is not attributed to him. The learned counsel would further contend that the present FIR was registered on the statement of complainant, Tarsem Singh, on the allegation that he along with his brother Sham Singh lives in the joint family and his mother Naseeb Kaur had disinherited his brother Sham Singh and his wife namely

Ramandeep Kaur from her movable and immovable property. Two days prior to 04.03.2020, his brother and his wife quarreled with him and also stated that they would cause injuries. On 04.03.2020 at 5.30 pm he was serving at Dera Bana Shanti Dass Vishvakarma Nagar. In the meantime, his brother and sister-in-law along with Vikas and two other persons armed with gandasa, baseball bats and daangs came to the spot and suddenly attacked him. As a result, his legs were fractured and he became unconscious. Thereafter all the accused gave blows on his arms and head. It is contended that the said Ramandeep Kaur w/o Sham Singh has since been declared innocent.

Learned State counsel stated on instructions from ASI Harjinder Singh that Ramandeep Kaur wife of Sham Singh has since been declared innocent.

List on 14.01.2021.

Let a status report be filed.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the State, on instructions from ASI-Harjinder Singh, has stated that the petitioner has since joined investigation and that he is no longer required for further investigation as of now. He has further stated that there is no other case pending against the petitioner.

In view of the above, the order dated 11.11.2020 is made absolute. The petitioner shall, however, join investigation as and when

called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

January 14, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
 Whether reportable: Yes/No