

202

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-37175-2020

Date of Decision: 11.01.2021

JASWINDER SINGH @ POLA AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN.

Present: Mr. Arnav Sood, Advocate for petitioners.
Mr. V.G. Jauhar, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 11.11.2020, the following order was passed:

"Heard through video conferencing.

Learned counsel for the petitioners has contended that the role attributed to the petitioner No.1 is that he had given 'danda' blows on the back of the complainant and the nature of the injury has been found to be simple in the MLR. The role attributed to petitioner No.2 is that he threw the complainant on the ground and gave kick blows on the abdomen and back, which were also found to be simple in nature.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State. He, on instructions from ASI Surender Pal Singh, has contended that initially this was a case of cross versions lodged on 07.08.2017 and 09.08.2017. Thereafter a

SIT was formed and as per the report of SIT, which was received in October 2020, the version put-forth by the complainant, Surinder Singh, in FIR No.101 dated 09.08.2017 registered under Sections 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 at Police Station Bullowal, District Hoshiarpur was found to be factually incorrect and, therefore, the proceedings have now been initiated in the present FIR. Learned State counsel, however, is not in a position to deny the fact that only simple injury has been attributed to the present petitioners.

Adjourned to 11.01.2021.

Let a status report be filed by the State on or before the next date of hearing.

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

The learned State counsel has pointed that though directions were given to the State to file the status report and the status report has not been filed, however, on instructions from ASI Kuldeep Singh, he states that both the petitioners have since joined the investigation and have fully co-operated in the matter and that they are no longer required for further investigation as of now.

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

11 January, 2021
rajender

(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No