

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15869-2022
Date of Decision: 27.10.2022

DHARAMVEER @ ARUN AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Kandhola, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

On 05.08.2022, following order was passed in the main case:

“The petitioners are seeking anticipatory bail in case bearing FIR No.17 dated 09.03.2022 under Sections 452/323/506/34 IPC (Section 354-B/148/149 IPC added later on), (Section 307/120-B IPC has wrongly been mentioned in the order dated 08.04.2022), registered at Police Station Banur, Patiala.

Learned counsel for the petitioners contend that no injury has been attributed to Dharamveer @ Arun-petitioner No.1. Though, injury by means of iron rod has been attributed to Mahaveer-petitioner No.2, but the injured has been discharged from the hospital. Even, offence under Section 325 IPC has been added at a later stage. Moreover, the offence under Section 354-B IPC has also been added on the basis of statement of the mother of the complainant and the same has been recorded after a delay of 10 days. Even the offence under Section 307 IPC has not been added as the injury has been declared to be not dangerous to life.

Adjourned to 27.10.2022.

In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioners contend that in pursuance of

the interim directions issued by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Jaswinder Pal, has not assailed the aforesaid factual aspect and has further submitted that the recovery of weapons has been effected from the petitioners and their custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners. The order dated 05.08.2022 is made absolute.

The petition stands allowed.

27.10.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No