

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-18018-2022

Date of Decision: 06.02.2023

Prince & others

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. G.S. Bawa, Advocate for the petitioners.

Mr. Sandep Kumar, DAG, Punjab.

Mr. Vikas Bali, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioners in FIR No.120 dated 5.11.2021 registered under Sections 452, 323, 148, 149 IPC (section 325 IPC was added subsequently) at Police Station, Division D, District Police Commissionerate, Amritsar.

By virtue of the order dated 29.4.2022 while granting interim protection, the petitioners were directed to join investigation.

Learned counsel for the petitioners submits that in pursuance to the order dated 29.4.2022 petitioners have joined investigation and fully cooperated and thus, the interim order may kindly be made absolute.

Learned counsel for the complainant has opposed the submissions made by counsel for petitioners. He submits that there is a head injury and the same attracts the offence under section 307 IPC, however, the same has not been deliberately added by the investigating agency.

Learned State counsel on instructions has endorsed the fact that petitioners have joined investigation and submitted that they are no

more required for further investigation. He has drawn attention of this court to the reply filed by the State, wherein it has been mentioned that Section 325 IPC was added during investigation, however, the investigating agency did not find any material for the offence under section 307 IPC.

The arguments raised by learned counsel for the complainant regarding adding offence under section 307 IPC would be totally within the domain of the Trial Court. Complainant is at liberty to raise this issue before the learned Trial Court.

In view of the above, the order dated 29.4.2022 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

06.02.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No