

Law Today Live Doc. Id. 15663

PUNJAB AND HARYANA HIGH COURT

Before: Raj Mohan Singh, J.

CRM-M No. 33955 of 2020

Decided on: 23.11.2020

Sewak Singh

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. A.S. Barnala, Advocate, for the petitioner.

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

Indian Penal Code, 1860 (45 of 1860), Sections 307, 326, 324, 323, 341, 506, 427, 34 IPC – Code of Criminal Procedure, 1973 (2 of 1974), Section 438 -- Anticipatory bail -- Offence u/s 307 IPC deleted and in its place, offence u/s 326 IPC added -- Main accused were arrested and lateron, released on regular bail by the Court -- Petitioner was unarmed, only fist blows are attributed to him and he also damaged the motorcycle of the complainant – Interim bail granted to join the Investigaiton – Petitioner has joined the investigation to the satisfaction of IO and he is no more required in further investigation of the case -- Interim order made absolute.

(Para 2-5)

RAJ MOHAN SINGH, J. (ORAL) –

1. The case has been taken up for hearing through video-conferencing.

2. Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.64 dated 24.06.2020 registered under Sections 307, 326, 324, 323, 341, 506, 427, 34 IPC (Offence under Section 307 IPC dropped later by the prosecution and offence under Section 326 IPC was added) at Police Station Rureke Kalan, District Barnala.

3. On 22.10.2020, following order was passed:-

“The case has been taken up through Video Conferencing due to prevailing situation of COVID-19.

Admittedly, offence under Section 307 IPC was lateron deleted in this case and in its place, offence under Section 326 IPC was added. Learned counsel for the petitioner submitted that the main accused, namely, Karam Singh and Jassa Singh were arrested and lateron, released on regular bail by the Court. The petitioner was empty handed and only fist blows are attributed to him. There are also allegations that he damaged the motorcycle of the complainant.

Notice of motion.

At this stage, Mr. Randhir Singh Thind, DAG, Punjab, has accepted notice on behalf of the respondent-State. Learned State counsel has admitted that the main accused have already been released on regular

bail.

Nothing is required to be recovered from the petitioner, who as per the FIR, was unarmed at the time of alleged occurrence. So, it is hereby directed that in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer to his own satisfaction till the next date of hearing, subject to the conditions as envisaged under Section 438(2) Cr.P.C. In the meantime, he should join the investigation with the police, well before the next date of hearing.

Adjourned to 23.11.2020.

The report of SHO/IO be also called for that date."

4. Learned State counsel on instructions from ASI Jagtar Singh submits that the petitioner has joined the investigation to the satisfaction of Investigating Officer and he is no more required in further investigation of the case.

5. In view of above, order dated 22.10.2020 is hereby made absolute.

6. However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer.

Petition allowed.
