
(2010) 12 P&H CK 0501

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 61910 of 2010 in Criminal Miscellaneous No. M-10441 of 2010

Sukhchain Singh and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 20-12-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 325, 326

Citation : (2010) 12 P&H CK 0501

Hon'ble Judges : M.M.S. Bedi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.M.S. Bedi, J.—This is an application for addition of offence under Sections 325 & 326 IPC, in the order dated 23.04.2010, granting prearrest bail to the petitioners. When the application for pre-arrest bail was allowed, the concerned Investigating Officer had not contacted the State counsel representing the State on that date. On the last date of hearing also, the Investigating Officer has not come present to assist the State counsel.

2. In view of the above circumstances, this Court has got no option but to consider the matter in the light of material available on the record. All the Petitioners have been granted the concession of pre-arrest bail on 09.04.2010. The injury which was attributed to Gurjant Singh, Petitioner No. 2, could not be brought to the notice of this Court. Gurjant Singh has been attributed gandasa blow on the head of Jasbir Singh.

3. After hearing the counsel for the Petitioners and the State counsel, a direction is issued that the order dated 09.04.2010, will be operative in the offence under Sections 325 & 326 IPC, except for Gurjant Singh.

4. The petition for the grant of pre-arrest bail of Gurjant Singh Petitioner No. 2, in the omitted offence under Sections 325 & 326 IPC, is dismissed.

5. This order will be read in continuation of order dated 09.04.2010 and would mean that all the Petitioners except for Gurjant Singh have been granted the concession of pre-arrest bail on the same terms mentioned in order dated 09.04.2010. The petition qua Gurjant Singh will be deemed to have been dismissed.

6. This order will not prejudice the rights of Petitioner Gurjant Singh to seek the concession of regular bail in case he surrender before the Illaqua Magistrate or is arrested by the Investigating Officer.