

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 50344 of 2018
Date of Decision:-14.02.2019**

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vikas Garg, Advocate for
Mr. Vivek Goel, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Arun Singla, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 119 dated 17.10.2018, under Sections 324, 323, 341, 506, 148 and 149 IPC (Section 326 IPC added later on), registered at Police Station Ghall Khurd, District Ferozepur.

Learned counsel for the petitioner contends that pursuant to the occurrence, the aforesaid FIR was registered. After that the petitioner was released on regular bail as the offences were bailable in nature. After more

than a month, offence punishable under Section 326 IPC was added and the petitioner apprehends his arrest.

On 16.11.2018, this Court had passed the following order :-

“Notice of motion for 14.02.2019.

In the meanwhile, the petitioner is directed to surrender before the Arresting/Investigating Officer within seven days. On doing so, he shall be released on interim bail, subject to his furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

At this stage, Mr. Arun Singla, Advocate has appeared and filed power of attorney on behalf of complainant. Same is taken on record.”

Learned counsel for the petitioner contends that in pursuance of the order dated 16.11.2018, interim concession was granted and pursuant to the said order, the petitioner has joined the investigation also.

Learned counsel appearing for the complainant has opposed the prayer for grant of bail to the petitioner on the ground that the petitioner is attributed the injury which attracted the offence punishable under Section 326 IPC.

At this stage, learned counsel for the petitioner has invited the attention of the Court to the litigation pending between the parties. It is pointed out that despite the order dated 19.1.2017 passed by this Court in RSA No.253 of 2017, the complainant has violated the same and dispossessed the appellant(s) and contempt petition bearing COCP No.3551

of 2018 on his behalf is also pending adjudication.

On the other hand, learned State counsel on instructions of ASI Sukhdev Singh submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 16.11.2018, is made absolute.

The petition stands allowed.

February 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No