

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

CRM-M-29565-2019

Date of decision-14.11.2019

Himanshu Ghai

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nagar Singh, Advocate for
Mr. Munish Kumar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.95 dated 21.05.2019 under Sections 323, 324 and 326 read with Section 34 of Indian Penal Code, 1860 registered at Police Station Sultanpur Lodhi, District Kapurthala, Punjab. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 15.07.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that in respect of the occurrence dated 20.05.2019, cross versions were recorded through FIR No.95 dated 21.05.2019 and DDR No.28 dated 21.05.2019. It is submitted that the petitioner is an accused in the FIR case and injuries attributed to him are punishable under

Sections 323 and 324 IPC. He submits that his co-accused Brahm Swaroop also suffered injuries. According to him, injury punishable under Section 326 IPC is attributed to co-accused, namely, Kunal Sahota.

Notice of motion for 14.11.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Lakhbir Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Lakhbir Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 15.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No