

PUNJAB AND HARYANA HIGH COURT

220

CRM-M-36585-2019

Date of decision : 22.10.2019

Gaurav @ Gaurav Kumar @ Gora

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Pratula Sethi, Advocate for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition is for grant of anticipatory bail in case FIR No.182 dated 05.05.2018 registered under Sections 307, 326, 324, 148 and 149 of the Indian Penal Code, 1980 at Police Station Basti Jodhewal, Ludhiana.

While granting interim bail to the petitioner, following order was passed by this Court on 16.09.2019 :-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, co-accused Pankaj Rajput, who was armed with a *Datar*, gave a blow on the backside of the head of the complainant with intention to kill him and he fell down on the ground.

Learned counsel for the petitioner further submits that injury falling under Section 307 IPC is attributed to aforesaid Pankaj Rajput, who was arrested and later on granted regular bail by this Court, vide order dated 30.08.2019 passed in CRM-M-9266-2019 as he was in judicial custody since 10.05.2018 and no prosecution witness was examined.

Learned counsel for the petitioner further submits that the only evidence against the petitioner is the disclosure statement of co-accused Pankaj Rajput that the petitioner was also present at the spot, however, no injury is attributed to him.

Learned counsel for the petitioner further submits that even a cross-version stands registered against the complainant party under Sections 452, 148, 149, 506, 427 and 323 of the IPC.

Learned State counsel, on instructions from ASI Gurmeet Singh, could not dispute the aforesaid factual positions.

List again on 22.10.2019.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Mr. Jagmohan Ghumman, D.A.G., Punjab has, on instructions from ASI Gurmeet Singh, submitted that the petitioner has joined investigation and his custodial investigation is not required in the case.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.09.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

(ARUN KUMAR TYAGI)
JUDGE

22.10.2019
Kothiyal

Whether speaking/reasoned	Yes
Whether reportable	No