

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42163-2019
Date of decision-06.11.2019

Rohit

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajdep Singh Gill, Advocate for
Mr. J.S.Ghumman, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, 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.0147 dated 25.08.2018 under Sections 323, 324, 451 and 148 read with Section 149 of Indian Penal Code, 1860 (Section 326 IPC added later on) registered at Police Station Basti Bawa Khel, Police Commissionerate, Jalandhar. 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 01.10.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Notice of motion for 6.11.2019.

Learned counsel for petitioner submits that alleged injury on the person of Major Singh, which has been declared grievous in nature and that too inflicted on the little finger of said Major Singh, has been attributed to co-accused Vicky. He further submits that as a matter of

fact, no specific injury has been attributed to petitioner and he has been falsely implicated as a counter blast to registration of FIR No. 218/2016 under Section 377 IPC, Police Station Basti Bawa Khel, Jalandhar registered at the instance of petitioner-Rahul against sons of abovesaid Major Singh. The learned counsel for petitioner further submits that co-accused Vicky, Sourav Ghai and Jonny have already been granted concession of anticipatory bail by this Court.

In view of above, interim protection is extended to petitioner with the rider that in the event of his arrest in the instant case, he shall be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer. However, petitioner shall abide by the terms and conditions as laid down under Section 438 (2) Cr.P.C. in letter and spirit.”

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 Mangat does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Mangat 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 01.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

06.11.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No