

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12868-2020(O&M)

Date of decision: 06.08.2020

Surinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Atul Goyal, Advocate for the petitioner

Mr. V.G.Jauhar, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 22.5.2020, the following order was passed by this

Court:-

“The petition has been taken for hearing
through video conference due to Covid-19 pandemic.

The present petition has been filed under
Section 438 of the Code of Criminal Procedure for the
grant of anticipatory bail in respect of FIR No. 35
dated 31.03.2020, under Sections 308, 323, 506 and
34 IPC, registered at Police Station City-II
Malerkotla, District Sangrur.

Learned counsel for the petitioner argues
that a scuffle took place between the petitioner and
the complainant and in fact, it is the complainant who
started the same.

Notice of motion for 06.08.2020.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab. Learned State counsel states that in fact, as per allegations levelled in the FIR, the petitioner had hit the complainant on his head with a baseball bat for which the complainant had to be treated at PGI and the baseball bat is yet to be recovered.

Learned counsel for the petitioner states that the petitioner is ready to join the investigation and will cooperate with the investigation and no custodial interrogation is required in this case.

I have heard learned counsel for the parties.

Petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his satisfaction subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI Baldev Singh has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, the order dated 22.5.2020 is hereby made absolute.

Petition stands allowed.

06.08.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No