

In the High Court of Punjab and Haryana at Chandigarh

201-3

CRM-M-20898-2020(O & M)

Date of Decision: August 13, 2020

SADEEK @ SADIQ

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. P.S. Gill, Advocate for the complainant.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J (ORAL)

Case is being taken up for hearing through video conferencing.

Through the instant petition, the petitioner seeks anticipatory bail in case FIR No.52 dated 17.04.2020, registered under Sections 307, 326, 325, 324, 341, 148, 149 and 120-B IPC, Police Station Sadar Hoshiarpur, District Hoshiarpur.

Vide order dated 29.07.2020, the petitioner was granted interim bail and was directed to join the investigation. The said order is reproduced hereunder:-

“Case is being taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 0052 dated 17.4.2020 under Sections 307, 326, 325, 324, 341, 148, 149 and 120-B IPC registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been attributed an injury with datar on the backside of the left leg of the complainant which was declared as simple in nature. He further submits that there is a delay of 05 days in lodging the present FIR as the occurrence took place on 12.4.2020 at 7.00 P.M. and the FIR was registered on 17.4.2020. Learned counsel also submits that the co-accused, who has been attributed similar injury, has been granted interim bail by this Court vide order dated 5.6.2020

(Annexure P-4).

Notice of motion.

On the asking of the Court, Mr. H.S.Sitta, AAG, Punjab, Punjab, accepts notice on behalf of the State and submits that the datar in question is yet to be recovered.

At this stage, Mr. Partap Singh Gill, Advocate has appeared on behalf of the complainant.

Learned State counsel as well as learned counsel for the complainant have not disputed the fact that the similarly situated co-accused have been granted the concession of interim bail.

Since the injury attributed to the petitioner has been declared simple in nature and the similarly situated co-accused has been granted interim bail by this Court, interim bail is granted to the petitioner. He is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

Adjourned to 11.8.2020. ”

Learned counsel for the petitioner states that pursuant to the order dated 29.07.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rashwinder Pal Singh, submits that the petitioner has joined investigation and is no more required for any further investigation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 29.07.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

August 13, 2020

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Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No