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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 24417 of 2020 (O&M)

Decided on: 26.11.2020

Raman @ Remando @ Raman Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.136 dated 28.07.2020 registered under Sections 324, 148, 149 IPC (Section 326 IPC added later), registered at Police Station Kotwali Bathinda, District Bathinda.

The operative part of the order dated 26.08.2020, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner argues that though the petitioner has been named in the FIR but no injury has been attributed to him. Learned counsel further submits that six injuries which have been received by the victim, five have been attributed to the co-accused, namely, Sonu and one injury has been attributed to the co-accused, namely, Gogi. Learned counsel for the petitioner submits that keeping in view the fact that no injury is attributed to the petitioner and the petitioner is ready to

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join the investigation, he be granted the concession of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel concedes that no injury has been attributed to the petitioner. Learned State counsel further states that the wooden danda used by the petitioner is yet to be recovered, hence, prayer of the petitioner may be declined.

I have heard learned counsel for the parties and have gone through the record carefully.

Once, the petitioner has not been attributed any injury out of the six injuries received by the victim and the recovery of the wooden danda, which has been attributed to the petitioner, can be done in case, the petitioner is directed to join the investigation and cooperate with the police.

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/her satisfaction subject to the following conditions :

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

(ii) That 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

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

Adjourned to 26.11.2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 26.08.2020, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Rajinder Kumar, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 26.08.2020 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to issue an advance notice in writing, if the petitioner is still required for further investigation.

(ARVIND SINGH SANGWAN)
JUDGE

26.11.2020
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No