

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

218/2

**CRM-M-28561-2020
Date of decision: 05.11.2020**

Kamal @ Chua

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No. 9 dated 17.01.2019 registered under Sections 324, 323 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City Faridkot, District Faridkot to which Section 326 of the IPC was added lateron.

Vide order dated 18.09.2020 this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by learned State counsel.
However, no written reply has been on behalf of the respondent-State.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per allegations made in the FIR, the petitioner and his co-accused had caused injuries on the person of complainant with reverse side of kappa on his head and left arm. The complainant did not specifically mention as to which injury was caused by whom. Subsequent to registration of DDR No.34 dated 11.01.2019, FIR under Sections 323 and 324 read with Section 34 of the IPC was registered on 17.01.2019. Section 326 of the IPC has been added after more than 1 ½ years vide DDR No.23 dated 11.07.2020. The complainant who is working in G.G.S. Medical College, Faridkot has manipulated the report. In compliance with order dated 18.09.2020 passed by this Court the petitioner has joined the investigation.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from ASI Sukhwinder Singh, acknowledged that in compliance with order dated 18.09.2020 passed by this Court the petitioner has joined the investigation and submitted that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I

am of the considered view that the petitioner deserves grant of anticipatory bail. Therefore, the petition is allowed and order dated 18.09.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when again called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr. P.C., failing which the protection of anticipatory bail order shall not be available to him.

05.11.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No