

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52785-2019

Date of Decision: 08.01.2020

Mohd. Abid

.. Petitioner

Vs.

State of U.T. Chandigarh

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Simsi Dhir Malhotra, for the petitioner.

Mr. Deepinder Brar, P.P. For U.T. Chandigarh.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.0151 dated 29.10.2019 under Sections 323, 341, 34, 506 and 326 IPC, registered at Police Station Sarangpur, Chandigarh. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.12.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“It has been stated by learned counsel for the petitioner that weapon attributed to the petitioner is an iron rod and offence under Section 326 of Indian Penal Code has been added subsequently. Furthermore, it has been stated that Deepak @ Mali, who has been attributed sword, is already in custody. The injured has been discharged from hospital.

Notice of motion, returnable on 08.01.2020.

In the meantime, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

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 Chander Mohan does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Chander Mohan 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 11.12.2019 is made absolute.

08.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No