

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM-M-124-2021

Date of decision:- 13.08.2021

Hardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.156 dated 18.09.2020 under Sections 324, 323 and 34 of the Indian Penal Code, 1860 (Section 326 of IPC was added later on), registered at Police Station Dera Baba Nanak, District Batala.

On 12.01.2021, the following order was passed:-

*“Case taken up through video conferencing.
Learned State counsel prays for more time to file
a status report in terms of the order of this Court dated
06.01.2021.*

*Adjourned to 19.04.2021.
Seeking ad-interim anticipatory bail for the petitioner
learned counsel inter-alia contends that the petitioner has
been falsely implicated in the present case at the behest of
the complainant with whom the petitioner has a dispute
pending before the Civil Court; there is an unexplained*

delay of 14 days in lodging of the FIR; the present FIR is a counter-blast to the complaint filed by the petitioner against the complainant party on 29.07.2020 as per which the complainant party had inflicted injuries on the petitioner; the petitioner is a serving army personnel who as per discharge summary (Annexure P-3) is not in a position to even walk properly; the alleged injury attributed to the petitioner has wrongly been described as a grievous injury and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

After considering the above submissions, till the adjourned date, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.156 dated 18.09.2020 registered under Sections 324/323/34 IPC (Section 326 IPC added later on) at Police Station Dera Baba Nanak, District Batala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Status report has been filed by the State in compliance of the above reproduced order.

Learned State counsel, upon instructions, from ASI Afrik Singh submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the above fact, but without commenting on the merits of the case, the present petition is allowed. Order dated 12.01.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

13.08.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No