

201

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

CRM-M-8804-2020 (O&M)

Date of decision : 16.12.2021

Kashmir Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. C.M. Munjal, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. R.S. Bains, Sr. Advocate with
Mr. M.S. Chauhan, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

CRM-33309-2021

Application is allowed, as prayed for.

CRM-33310-2021

Application is allowed, as prayed for.

Additional affidavit of the petitioner dated 30.10.2021 and
order of the Hon'ble Supreme Court dated 05.07.2019 (Annexure P-8) are
taken on record, subject to all just exceptions.

Main case

Prayer in the present petition is for grant of anticipatory bail

to the petitioner in FIR No.147 dated 12.10.2017 registered under Sections 452, 323, 448, 380, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 326, 324 of IPC have been added later on) at Police Station Guruharsahai, District Ferozepur.

On 28.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case DDR No. 28 dated 23.10.2017 registered under Sections 452, 323, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Guruharsahai, District Ferozepur to which Sections 326 and 324 of the IPC have been added later on vide G.D. No. 040 dated 04.11.2019 which is being investigated as cross case to FIR No. 147 dated 12.10.2017 registered under Sections 452, 323, 148 and 149 of the IPC at Police Station Guruharsahai, District Ferozepur.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the cross case. The injury which attracted Section 326 of the IPC is on thumb of left hand of injured-Paramjit Kaur. The petitioner is ready to join the investigation and his custodial interrogation is not required in the present case.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 12.05.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

28.02.2020

Sd/-(ARUN KUMAR TYAGI)

JUDGE”

Initially, the objection was taken that the petitioner had not joined the investigation and accordingly, the petitioner was again directed to join the investigation.

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 28.02.2020, the petitioner has joined the investigation and in the present case, challan has already been presented and even the petitioner had submitted his bail bonds and undertakes to appear before the trial Court on each and every date, except the date on which his personal appearance is exempted by the Court.

Learned State Counsel, on instructions from ASI Mahender Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Learned Senior Counsel for the complainant has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that the petitioner has committed a heinous crime.

Keeping in view the abovesaid facts and circumstances, moreso the facts which have been noticed in the order dated 28.02.2020 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and the fact that challan in the present case has already been presented and even the petitioner had submitted his bail bonds, the present petition is allowed and the interim order dated 28.02.2020 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

16.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No