

205(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15512-2021
Date of Decision : 25.10.2021

DALU RAM ...Petitioner

Versus

STATE OF PUNJABRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. A.S.Sidhu, Advocate for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.291 dated 03.11.2020, registered under Sections 324,34 IPC and 326 IPC added later on at Police Station City Malout, District Sri Muktsar Sahib.
3. On 01.09.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.291 dated 03.11.2020 registered under Sections 324 & 34 IPC to which Section 326 IPC was added later on at Police Station City Malaut, District Sri Muktsar Sahib. On 09.04.2021, the following order was passed:- “ Learned counsel contends that the petitioner is a resident of the same locality as of the complainant, yet as per the FIR,

the complainant was attacked by unknown persons and that in the circumstances, the petitioner has been implicated in a false case without there being any material to connect him with the commission of the offence.

Notice of motion.

Mr. Hittan Nehra, Addl. A.G., Punjab accepts notice and requests for an adjournment as he does not have copy of the paper-book nor instructions from the Investigating Officer.

Adjourned to 12.05.2021.

In the meantime, arrest of the petitioner is stayed, till the next date.”

Today, learned State counsel on instructions from ASI Karnail Singh states that the petitioner besides co-accused were implicated in the instant case on the basis of supplementary statement dated 28.11.2020 made by the complainant in respect of incident dated 01.11.2020 but that no injury 1 of 2 is attributed to the petitioner even in the supplementary statement, besides, as per the supplementary statement the petitioner was empty handed, while injuries with sharp edged weapons are attributed to the co-accused.

Learned counsel for the petitioner contends that in the light of the aforementioned position, it is apparent that the petitioner has been implicated in a false case for although the petitioner is from the locality of the complainant, yet as per the FIR, the complainant mentioned in the FIR that he was attacked by unknown persons and it is only subsequently that he made a supplementary statement after almost month implicating the petitioner as well as co-accused.

Learned counsel further contends that the petitioner is stated to have been empty handed, no injury is attributed to the petitioner and the petitioner has been implicated in the case solely only on account of political differences.

Adjourned to 10.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner is ordered to be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall also abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”.

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Jagdish Kumar confirms that pursuant to the order of this Court dated 01.09.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 01.09.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

25.10.2021

‘ps-renu’

(B.S. Walia)
Judge

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