

207 (1)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22634-2021

Date of decision-27.08.2021

KULWINDER SINGH @ KAKA @ KALA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Neeraj Jain, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.54 dated 07.05.2021 under Sections 324, 34 Indian Penal Code, 1860 and Section 326 IPC (added later on), registered at Police Station Nehianwala, District Bathinda. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 09.06.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Kulwinder Singh @ Kaka-petitioner is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 54 dated 07.05.2021 under Sections 324/34 IPC, 1860 and Section 326 added

later on, registered at Police Station Nehianwala, District Bathinda.

Briefly, as per the allegations of the prosecution on 03.05.2021 at about 10:30 am Harwinder Singh @ Vicky armed with Kahi and Kulwinder Singh @ Kaka-petitioner armed with harrow arrived at the spot. Harwinder Singh @ Vicky exhorted and the petitioner caught hold Angrez Singh-complainant. The coaccused- Harwinder Singh @ Vicky inflicted kahi blow on the left thigh and alarm was raised and the assailants slipped away from the spot.

It has been stated by the learned counsel for the petitioner that at the first instance the FIR was registered under Section 324 read with Section 34 IPC and the petitioner was admitted on bail. The offence under Section 326 IPC has been added after two weeks and the petitioner is not involved in any other criminal case. The injury under Section 326 IPC has not been attributed to the petitioner.

Notice of motion.

Mr. Sidakmeet S. Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State and states that the petitioner had caught hold the injured which facilitated the co-accused to inflict injury.

Adjourned to 27.08.2021.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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 Balkar Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim

bail granted by this Court vide order dated 09.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

27.08.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No