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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23297 of 2021
Date of Decision:20.09.2021

HARMAIL SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl AG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.16 dated 03.02.2021 registered under Sections 323, 324, 148, 149 of IPC, at Police Station Nihal Singh Wala, District Moga.

On 07.07.2021, following order was passed:-

"The case has been taken up for hearing through video conferencing.

No status report has been filed by the State in compliance of order dated 17.06.2021.

At the very outset, learned counsel for the petitioner submits that the brother of the petitioner is the complainant in FIR No.16 dated 03.02.2021 under Sections 323, 324, 148, 149

IPC and accused in DDR No.40 dated 04.02.2021 under Sections 326 IPC. The occurrence took place on 26.01.2021. It is a case of version and cross-version. Both the parties have received some injuries. The injured in DDR i.e. Mandeep Singh was discharged from the hospital on 02.02.2021 and there were talks regarding compromise during the intervening period and ultimately, DDR came to be registered. Despite registration of FIR on 03.02.2021 and discharge of the complainant in DDR, offence under Section 326 IPC was incorporated only on 17.05.2021 i.e. after more than 03 months of registration of DDR and discharge of the injured. The injury on the person of the injured is on non-vital part of the body.

Notice of motion for 20.09.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 13.07.2021 at 11.00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner submits that in compliance of the order dated 07.07.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Jasbir Singh admits the aforesaid fact and submits that the petitioner has joined the investigation on 13.07.2021 and petitioner is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 07.07.2021, is made absolute. Petitioner shall keep on

joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

20.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No