

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

(202)

CRM-M-22381-2020
Date of Decision:-08.11.2021.

Taranvir Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. D.S. Nigha, Advocate for the petitioners.

Mr. A.K. Kaundal, DAG, Punjab.

Mr. J.S. Bhatia, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.75 dated 27.06.2020, registered under Sections 323/324/452/506/148/149 of IPC, at Police Station City, Morinda, District Rupnagar.

Learned counsel for the petitioners has submitted that as far as petitioner No.1 is concerned, he seeks to withdraw the present petition and also states that petitioner No.1 would surrender before the police but prays that in case the regular bail application is filed by petitioner No.1 after surrender, then the same be decided as expeditiously as possible, preferably within a period of five days from the date of filing of such application.

In view of the statement made by learned counsel for the

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petitioners, the present petition is dismissed as withdrawn qua petitioner No.1 with a direction to petitioner No.1 to surrender before the police within a period of one week from today and after surrendering, in case petitioner No.1 applies for regular bail, then the trial Court is requested to decide the same as expeditiously as possible, preferably within a period of five days from the date of filing of such application.

With respect to petitioner No.2, learned counsel for the petitioners has submitted that the injuries attributed to petitioner No.2 are simple in nature and they are on a non-vital part. It is further submitted that in pursuance of the order dated 07.01.2021 passed by the Co-ordinate Bench of this Court, the petitioner has already joined the investigation. Order dated 07.01.2021 is reproduced hereinbelow:-

“Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.75 dated 27.06.2020 under Section 323, 324, 452, 506, 148, 149 of the Indian Penal Code, 1860 registered at Police Station City Morinda, District Rupnagar (Annexure P-1).

Learned counsel for the petitioners, inter alia, contends that the petitioners who have been falsely implicated in the case in hand are attributed simple injuries on the injured with a sword which they were carrying at the time of the alleged occurrence.

Meanwhile, petitioners are directed to join the investigation as and when required by the investigating officer. In the event of their arrest, they shall be admitted to

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interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.

Adjourned to 28.04.2021.”

Learned State counsel as well as counsel for the complainant have opposed the anticipatory bail application but however could not dispute that petitioner No.2 has joined the investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that petitioner No.2 has joined the investigation, the present petition for grant of anticipatory bail qua petitioner No.2 is allowed and the interim order dated 07.01.2021 qua petitioner No.2 is made absolute.

Hence, the present petition is disposed of in the above-said terms.

However, nothing stated above shall be construed as a final 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.

(VIKAS BAHL)
JUDGE

November 08, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No