

CRM-M-27181-2021

Date of Decision : 16.09.2021

LUCKY

...Petitioner

versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Balwant Singh, Advocate for
Mr. Amrik Singh Kalra, Advocate for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., 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.109, dated 27.05.2021, registered under Sections 323, 452, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Khanna City-2, Khanna, District Ludhiana.
3. On 15.07.2021, the following order was passed:-

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

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 FIR No.109 dated 27.05.2021 registered under Sections 323, 452, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Khanna City-2, Khanna, District Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The FIR was lodged with undue and explained delay of one day. As per the MLR all the four injuries caused with blunt weapon to the complainant were declared to be simple. No specific role has been attributed to the petitioner and none of the

injuries cause to the complainant is attributed to the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Rana Harjasdeep Singh, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 16.09.2021.

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 anticipatory 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 anticipatory bail allowed to him.

4. Today, learned counsel for the petitioner contends while learned State counsel confirms on instructions from ASI Siraju Din that pursuant to aforementioned order as also order dated 15.07.2021, 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 15.07.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated 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.

(B.S. Walia)
Judge

16.09.2021
rajesh/renu

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