

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27843-2021

Date of Decision : 29.07.2021

Harjinder Singh ...Petitioner

Versus

State of PunjabRespondent

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

Present : Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. G.S. Sirphikhi, Advocate for the complainant.

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 anticipatory bail to the petitioner in case FIR No.135 dated 29.06.2021, registered under Sections 324, 326/34 of IPC, at Police Station Civil Lines, Batala, District Gurdaspur.

3. On 19.07.2021, the following order was passed:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition is for grant of pre-arrest bail to the petitioner in case FIR No. 135 dated 29.06.2021 registered under Sections 324/326/34 IPC, at Police Station Civil Lines Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated due to alleged nursing of grudge by the complainant i.e. brother of the petitioner, of the father of the parties having instituted proceedings against the complainant for cancellation of the transfer deed of land made by him in favour of the complainant at the behest of the petitioner, therefore he has implicated him in a false case and the injury is alleged to have been inflicted on the thumb on left hand of the thumb of the complainant is simple in nature, therefore cannot be ruled out as having been self inflicted.

Notice of motion.

Mr. Hittan Nehra, learned Addl. AG, Punjab, accepts notice and on instructions from ASI Hardev Singh very fairly states that the only injury attributed to the petitioner is on the left hand thumb of the complainant is simple in nature.

Adjourned to 29.07.2021 for filing of reply

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner 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 abide by the conditions as 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 Hardeep Singh*, confirms that pursuant to the order of this Court dated 19.07.2021, the petitioner joined investigation, cooperated in the same, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of the learned State Counsel, order dated 19.07.2021, passed by this Court, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed 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

29.07.2021

'Rajesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>