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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.31278 of 2021
Date of Decision:20.09.2021

JASKARAN SINGH ATWALPetitioner
Vs
UT CHDRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP, UT Chandigarh.

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.51 dated 07.07.2021 registered under Sections 332/353 IPC, at Police Station Sector 49 Chandigarh.

On 05.08.2021, following order was passed:-

“Learned counsel for the petitioner contends that bare reading of the FIR would show that the car bearing Regn. No.PB13-K-7087 was stationary when the complainant allegedly asked the driver of the car to produce documents. As per allegations, the driver tried to flee with the car and in a bid to save himself, the complainant jumped over the bonnet and thereafter he was dragged upto 500 mtrs. News coverage of the incident shows that the car was stopped due to traffic violation as the driver had not fastened the seat belt.

In the FIR, the allegation is that the driver was using

mobile whereas co-passenger had not fastened the seat belt. As per stand taken by the petitioner in the representation filed before the SSP, Chandigarh, he was going to purchase some medicine for his ailing maternal aunt. His car was in stationary position at the signal and at that point of time he was using mobile. When the signal became green, he had disconnected the call but by that time complainant swung into action and became furious. Complainant tried to snatch the keys of the car by inserting his hand through window and the petitioner prevented him from doing so. Thereafter, complainant hit the wind screen of the car with his walky-talky thereby breaking the wind screen. The Police has only recorded statements of police officials instead of recording statement of independent witness.

Notice of motion.

On asking of the Court, Mr. Amit Kumar Goyal, APP UT, Chandigarh accepts notice on behalf of the respondent-UT Chandigarh.

As one time arrangement, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 11.08.2021 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.

Adjourned to 20.09.2021."

Learned counsel for the petitioner submits that in compliance of the order dated 05.08.2021, petitioner has joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Gurdeep Singh admits the aforesaid fact and submits that the

petitioner is no more required for further investigation in the case.

In view of aforesaid factual position, the interim order dated 05.08.2021, 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