

101+210 (1st)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.30779 of 2021 AND
CRM-M-31441-2021

Date of Decision : 22.09.2021

Judgebir Singh @ Judge Chohan

...Petitioner

versus

State of Punjab

....Respondent

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

Present : Mr. Mohinder Kumar, Advocate for the petitioner.
Mr. Sandeep Singh Deol, DAG, Punjab.

B.S. Walia, J. (VC)

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

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2. Allowed as prayed for.

3. Documents (Annexures P/5 and P/6) are taken on record subject
to all just exceptions.

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4. Prayer in the petition under Section 438 Cr.P.C. is for grant of
pre-arrest bail to the petitioner in case FIR No.0060 dated 22.05.2019,
registered under Sections 323, 324, 148 and 149 IPC to which Sections 326
and 307 IPC were added later on at Police Station Sultanwind, Police
Commissionerate, Amritsar.

5. On 06.08.2021, the following order was passed:-

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

Prayer in the petition under section 438 Cr.P.C. is for grant of pre arrest bail in case FIR No. 0060 dated 22.05.2019 under Sections 323, 324, 148, 149 IPC to which Sections 326 and 307 IPC were added on later at Police Station Sultanwind, Police Commissionerate, Amritsar.

Learned counsel contends that as per the challan presented, all the injuries are attributed to the co-accused and no injury is attributed to the petitioner besides the petitioner is not involved in any other case and is ready and willing to join investigation and fully cooperate in the same.

Notice of motion.

Mr. B.S. Sewak, Addl. AG, Punjab, accepts notice on behalf of the respondent-State and requests for an adjournment to file reply.

Adjourned to 22.09.2021.

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 envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

6. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Tarlok Singh* confirms that pursuant to the order of this Court dated 06.08.2021, 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.

7. In view of the statement of learned State counsel, order dated 06.08.2021, 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.

8. Petition stands *disposed of* in the aforementioned terms.

22.09.2021

'Amit'

Whether speaking/ reasoned

Whether reportable

:

:

Yes/No

Yes/No

(B.S. Walia)
Judge