

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRM-M-30735-2020 (O&M)

Date of decision: 21.01.2021

Badal Kumar & Ors.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dharam Pal, Advocate
for the petitioners.

Mr. Randhir Singh Thind, D.A.G. Punjab.

Mr. P.S Paul, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 170 dated 02.09.2020 registered under Sections 323, 324, 506, 148 and 149 IPC (Section 307 IPC added subsequently), at Police Station Nurpur Bedi, District Rupnagar.

This Court, on 01.10.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR

No. 170 dated 02.09.2020 registered under Sections 323, 324, 506, 148 and 149 IPC (Section 307 IPC added subsequently), at Police Station Nurpur Bedi, District Rupnagar.

Learned counsel for the petitioners states that the petitioners have falsely been implicated in the present case. There is no allegation against the petitioners, no injury has been attributed to them and there was a delay of 5 days in lodging the FIR. No recovery is to be effected from the petitioners.

Notice of motion.

On the asking of this Court, Mr. Pawan Sharda, Sr. DAG Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. P.S. Paul, Advocate, appears and submits power of attorney on behalf of the complainant through email, the same is taken on record.

Learned State counsel assisted by the learned counsel for the complainant, submits that when the complainant was lying down, the petitioners had given danda blows on his stomach, back and legs.

In the present case, no specific injury has been attributed to the petitioners and there was a delay of 5 days in lodging the FIR.

Adjourned to 20.01.2021.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of

Criminal Procedure.”

Learned counsel for the petitioners submits that in compliance of the order dated 01.10.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from A.S.I. Inderpal Singh, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 01.10.2020 granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

21.01.2021

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No