

Date of Decision : 26.10.2021

...Petitioner

Versus

....Respondent

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

Present : None for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.149 dated 28.07.2020, registered under Sections 323, 325, 452, 427, 506, 188, 269, 270, 148 and 149 IPC, 1860 and Section 51(B) Disaster Management Act, 2005, to which Section 459 of IPC, was added later on, at Police Station Nakodar Sadar, District Jalandhar.

2. On 05.11.2020, 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.149 dated 28.07.2020 registered under Sections 323, 325, 452, 427, 506, 188, 269, 270, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 51(b) of the Disaster Management Act, 2005 at Police Station Nakodar Sadar, District Jalandhar Rural to which Section 459 of the IPC was added lateron.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner did not participate in the commission of alleged offences. Even as per the allegations made in the FIR, the petitioner was armed with handle of spade and inflicted blow on knee of the complainant-Baldev Singh which injury was declared to be simple. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sidakmeet Sandhu, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 22.01.2021.

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 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 bail allowed to him.”

3. Today, although learned counsel for the petitioner is not present yet learned State counsel very fairly on instructions from ASI Tirath Singh, confirms that pursuant to the order of this Court dated 05.11.2020, 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.

4. In view of the statement of learned State counsel, order

dated 05.11.2020, 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.

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

(B.S. Walia)
Judge

26.10.2021
rajesh

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