

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-40403 of 2021
Date of Decision : 06.12.2021

Hira Lal

....Petitioner

Versus

State of Punjab

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ankit Bishnoi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Ashok Paul Batra, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in Rapat No. 13 dated 24.06.2020, registered under Sections 323, 324, 325, 326 read with Section 34 IPC in FIR No. 97 dated 30.06.2020, registered under Sections 307, 323, 324, 326 read with Section 34 IPC at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 28.09.2021. Order dated 28.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of a Rapat No. 13 dated 24.06.2020, registered under Sections 323, 324, 325, 326 read with Section 34 IPC in FIR No. 97 dated 30.06.2020, registered under Sections 307, 323, 324, 326 read

with Section 34 IPC at Police Station Khuian Sarwar, District Fazilka.

Learned counsel for the petitioner submits that present is a case of version and cross-version. Learned counsel for the petitioner submits that petitioner is a complainant in FIR No. 97 dated 30.06.2020, which has been registered against the complainant party in the present Rapat No. 13 dated 24.06.2020. Learned counsel for the petitioner further submits that the aggressor party is yet to be ascertained during the investigation and the petitioner has also suffered injuries on his head and has been operated upon more than once and, therefore, keeping in view the fact that petitioner is ready to join the investigation and cooperate, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the petitioner was part of an unlawful assembly though, it is conceded that it is a case of version and cross-version and the aggressor party is yet to be ascertained during the investigation. Learned State counsel further submits that the injury attributed to the petitioner is on the forearm of the victim.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As the petitioner has also suffered injuries on his head in the incident and the injury attributed to the petitioner is on the forearm of the victim and keeping in view the medical situation of the petitioner, purpose of investigation will be achieved, in case petitioner is directed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation

and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

Adjourned to 06.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel on instructions from ASI Swaran Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 28.09.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated

under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 06, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No