

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.36167-2020

Date of Decision: March 31, 2021

Aashish Bhatti @ Aashish Masih

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vipul Aggarwal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. Advocate
General, Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Status report by way of filing of an affidavit of Vipan Kumar, PPS, Deputy Superintendent of Police, Sub Division Ajnala, Amritsar Rural on behalf of respondent-State has been filed. The same is taken on record.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.70 dated 04.06.2020 registered under Sections 323,326,506 and 34 IPC at Police Station Jhander, District Amritsar Rural.

On 05.11.2020, following order was passed by this Court:-

Petitioner-Aashish Bhatti @ Aashish Masih, stated to be aged 28 years, has filed the present petition inter alia with a

prayer for grant of anticipatory bail in case FIR No.70 dated 04.06.2020, registered under Sections 323, 326, 506 & 34 of Indian Penal Code, at Police Station Jhander, District Amritsar Rural (Annexure P-1).

Learned counsel for the petitioner, based on the pleadings, submits that the real facts of the case have been twisted by the prosecution in order to falsely implicate the petitioner. He submits that the petitioner has been falsely named in the present FIR due to personal grudge of the complainant with elder brother of the petitioner namely Nikhil Masih. He further submits that as a matter of fact, the complainant and his associates has inflicted injuries on the person of Nikhil Masih on 20.04.2020, but, in spite repeated complaints, no FIR has been lodged.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Davinder Singh, submits that perusal of the FIR would show that the petitioner is alleged to have given dattar blow on left arm of the injured. The injured person remain hospitalized for three days from 24.05.2020 to 26.05.2020. He submits that the petitioner is not involved in any other case, however, in view of the fact that injured has suffered grievous injuries, the petitioner is not entitled to concession of anticipatory bail.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members, to submit that to show their bona fide and without prejudice to defence in the trial, they would deposit Rs.50,000/- to the Investigation Officer, towards medical expenses.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner in jail would be dangerous to his life.

Without commenting upon merits of the case, in view of the peculiar facts and circumstances of the present case noticed above and also the present situation due to COVID 19, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer to join investigation.

In the event of arrest, the petitioner shall be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

In addition to the above bail/surety bonds, accepting the offer made by counsel for the petitioner, the petitioner is directed to deposit Rs.50,000/- to the Investigating Officer towards medical expenses, which shall be disbursed to the injured.

Let status report/reply be filed after allowing the petitioner to join investigation.

Adjourned to 30.03.2021.

(Girish Agnihotri)

Judge

05.11.2020

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Learned counsel for the petitioner submitted that in compliance of the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from Vipin Kumar, PPS, Deputy Superintendent of Police, Sub Division Ajnala, Amritsar Rural submits that the petitioner has deposited an amount of Rs.50,000/- with the Investigating Officer and the said amount has already been paid to the complainant.

In view of aforesaid factual position, the interim order dated

05.11.2020 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.

March 31, 2021
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(RAJ MOHAN SINGH)
JUDGE

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