

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

CRM-M-37185-2020(O&M)

Date of decision : 12.01.2021

Prem Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Jatinder Singh Gill, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 11.11.2020, the following order was passed:

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.161 dated 10.08.2020 under Sections 452, 323, 325, 34 of Indian Penal Code, 1860, registered at Police Station Sadar Batala, District Gurdaspur.

Learned counsel for the petitioner has contended that the story set up by the complainant is highly improbable inasmuch as it has been stated in the FIR that the accused had trespassed into the house of the complainant in order to attack her son. However, no injuries are alleged to have been received by the son of the complainant. He has further contended that all the offences, except for the offence under

Section 452 of the Indian Penal Code, 1860, are bailable in nature. He would further contend that the role attributed to the petitioner in the FIR is that he had given a datar blow from the reverse side on the elbow of the complainant.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, who has joined the session through video conferencing, accepts notice on behalf of the respondent-State.

Let the status report be filed on or before the date fixed.

Adjourned to 12.01.2021.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner would contend that pursuant to order dated 11.11.2020, the petitioner has since joined the investigation and is fully cooperating.

Learned counsel for the State on instructions from ASI Vijay Kumar has stated that the petitioner has since joined the investigation and has fully co-operated and he is no longer required for further investigation, at this stage. He has further stated that there are no injuries received by the son of the complainant.

In view of the above, the order dated 11.11.2020 is made absolute. The petitioner shall, however, come and join the investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

12.01.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO