

207-A

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

CRM-M-39234-2020

Date of Decision: 01.07.2021

Chandan @ Chandan Singh**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Amardeep Singh, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.
Mr. Munish Kumar Chaudhary, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.16 dated 18.01.2020 under Sections 323, 324, 148 and 149 IPC (Section 302 IPC added later on), registered at Police Station Gate Hakima, District Police Commissionerate Amritsar. He apprehended his arrest at the hands of Police in the above said FIR.

Learned counsel for the petitioner has argued that the alleged occurrence took place suddenly and the victim was allegedly attacked by many persons. According to him, the petitioner has been falsely implicated in this case, who has been attributed only a simple injury to the victim.

On 25.02.2021, the following order was passed by this Court:

“Learned counsel for the petitioner has argued that the alleged occurrence took place on 14.01.2020 and the FIR has been lodged on 18.01.2020 after death of injured Kamal Kumar. He submits that as per prosecution, the motor-cycle driven by Kamal Kumar with Satish Kumar-complainant (pillion rider) hit against Gurjit Kaur and on her exhortation, the accused persons including the petitioner assaulted them. He submits that the petitioner along with his brothers has been falsely implicated in this case, and further prays for pre-arrest

bail.

The prayer is opposed by the learned State counsel, assisted by ASI Dilbag Singh, and Mr.Munish Kumar Chaudhary, learned counsel for the complainant. Learned State counsel, on instructions, has stated that the statement of Kamal Kumar was recorded on 15.01.2020, who stated that he would give the statement after the x-ray reports. On the next day also, i.e., 16.01.2020, he did not give any statement and intimated that talks regarding compromise are going on.

Adjourned to 01.07.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Shashpal Singh does not dispute this fact that the injury attributed to the petitioner is simple in nature. He has further pointed out that the petitioner has joined the investigation and is no more required for custodial interrogation at this stage.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 25.02.2021 is made absolute.

01.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No