

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.41698 of 2019 (O&M)
Decided on: 02.08.2021

Kala Khan @ Aslam Khan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.93 dated 13.10.2018, registered under Sections 324, 323, 341, 506, 148, 149 IPC (Section 326 IPC added later) at Police Station Sandaur, District Sangrur.

The operative part of the order dated 27.09.2019, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner submits that it is a case of version and cross-version and it is yet to be ascertained which party was aggressor.

Notice of motion....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 27.09.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation and for the last 1½ years, he has not misused the concession of bail. It is also submitted that in pursuance to the order dated 12.02.2020, vide which the SSP, Sangrur, was directed to look into the CDs relied upon by the

CASE HEARD THROUGH VIDEO CONFERENCING

complainant, an affidavit has been filed in which it is stated that on viewing the CD though the petitioner – Aslam Khan is visible passing his motorcycle under the Railway crossing and the man making video on his mobile phone was already standing there, however in the video neither the petitioner stands seen nor there is any quarrel, which show that the fact has been made to drag the petitioner in the case only. It is also submitted that in the affidavit, the allegations of causing threats is not proved and it is observed that the application has been given just to put pressure for cancellation of bail as no truthful facts have been found in the application of the complainant Harjinder Singh.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 27.09.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

The observations made hereinabove are only for the purpose of deciding the bail application and will have no bearing on merits of the case.

Liberty is granted to the complainant to raise all the available pleas/defences before the trial Court during the course of trial.

(ARVIND SINGH SANGWAN)
JUDGE

02.08.2021
yakub

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