

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-20505-2021 in/and
CRM-M-54243-2019
Date of Decision: 10.08.2021

Rajan Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. P.S. Kanwar, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

Mr. Hitesh Sood, Advocate, for the complainant.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

ARUN PALLI, J. (Oral):

Vide this petition under Section 438 of the Code of Criminal Procedure, the petitioner prays for an anticipatory bail in FIR No.168 dated 10.11.2019 under Sections 323/324/448/506/148/149 IPC (Section 326 IPC added later on vide rapat no. 31 dated 13.11.2019) registered at Police Station Sadar, District Hoshiarpur.

Upon hearing the learned counsel for the petitioner, this Court, vide order dated 19.12.2019, had granted ad interim bail to the petitioner:-

***“Petitioner prays for grant of pre-arrest
bail in FIR No.168 dated 10.11.2019 registered under
Sections 323, 324, 448, 506, 148, 149 IPC (Section 326
IPC added later on vide rapat no. 31 dated 13.11.2019)
at Police Station Sadar, District Hoshiarpur.*”**

Learned counsel for the petitioner submits that father of the first informant had initially instituted a suit which was got dismissed for non-prosecution on 22.10.2019. Thereafter, in order to falsely implicate the petitioner, incident of 9.11.2019 has been concocted. He further submits that there are two parts of the incident, one in the morning and second in the evening. With regard to the alleged incident of the morning, police after investigation has found the allegations to be false.

Notice of motion.

On the asking of Court, Mr. Hittan Nehra, Addl. AG, Punjab who is present in Court accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

Let a copy of the petition be supplied to the learned counsel for the State during the course of the day.

Adjourned to 21.1.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Jaswinder Singh, submits that petitioner had since joined the investigation, however, if any further investigation is required, he will be duly intimated to join the proceedings.

Mr. Hitesh Sood, learned counsel for the complainant, submits that pursuant to order dated 19.2.2020, he has placed on record necessary documents, which are required to be taken into consideration by the investigating agency.

To this, learned State counsel submits that before submitting the final report under Section 173 Cr.P.C., the documents that have been relied upon by the complainant shall be examined and factored in.

In the wake of the above, and as the petitioner has been on interim bail for a period of over 1½ years, the order dated 19.12.2019 is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. and shall join the investigation as and when called upon to do so.

The petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

10.08.2021

AK Sharma

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