

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-2182-2022

Date of decision: - 23.02.2022

Bal Mohammad

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Parampreet S. Bajwa, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.262 dated 26.11.2021, under Sections 452, 307, 323, 324 and 379-B of IPC, registered at Police Station Kotwali Nabha, District Patiala.

On 19.01.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that neither any injury has been attributed to the petitioner nor was the petitioner stated to be specifically armed with any weapon. It is submitted that in fact, it was the petitioner who received some injuries regarding which the learned counsel for the petitioner has referred to the MLR (Annexure P-3). Reference has also been made to the photographs (Annexure P-2) to show that it is the petitioner who was being beaten up. It is further submitted that even with respect to the gold chain having been snatched by the petitioner, the allegation is

false inasmuch as perusal of the photograph would show that the complainant was not wearing any gold chain.

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 23.02.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his 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 Buta Singh, has submitted that the petitioner has joined the investigation on 15.02.2022 and is not required for further investigation.

Keeping in view the fact that the petitioner has joined the investigation on 15.02.2022 and is not required for further investigation and the facts which have been noticed in order dated 19.01.2022, the present petition for grant of anticipatory bail to the petitioner is allowed and the interim order dated 19.01.2022 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

February 23, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No