

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

CRM-M-3865-2021 (O&M)
Date of Decision:- 21.01.2022

PARMOD KUMAR ALIAS GAJNI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.K.S. Phoolka, Advocate,
 for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

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.146, dated 11.7.2020, registered under Section 458, 325, 323, 34 and 358 of IPC registered at Police Station Canal Colony, District Bathinda. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 8.4.2021, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video conferencing.

While issuing notice of motion on 28.01.2021, following order was passed:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioner contends that there is no overt act attributed to the petitioner, except to allege that he along with co-accused caught hold of complainant party. Rahul allegedly gave hand pump handle blow on the head of brother of the complainant and also gave blows on his left ear and face. When the complainant came forward to rescue his brother, then Bhindu gave brick blow on his head and also gave a bite on the long finger of his right hand and cut the same. Bhinder gave injuries near the right side of ear and back side with a kara (iron bangle) and Rahul gave hand pump handle blow on the right arm and wrist of the complainant.

Notice of motion for 08.04.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed.”

For the reasons recorded in the order dated 28.01.2021, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 15.04.2021 at 11:00 AM and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

It is made clear that grant of interim order shall not be taken to be an expression on merits of the case in any manner.

The case shall be considered on merits on the adjourned date.

Adjourned to 13.07.2021”

Learned counsel for the petitioner further states 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 Sahib Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 8.4.2021 is made absolute.

21.01.2022
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(MANOJ BAJAJ)
JUDGE

Whether speaking /reasoned Yes

Whether Reportable No