

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

210

CRM-M-5898-2022 (O&M)

Date of Decision: 12.07.2022

Ashwani Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Kumar Chaudhary, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Gursewak Singh.

Mr. Ishan Sharma, Advocate,
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.205 dated 08.10.2021 at Police Station Mukerian, District Hoshiarpur under Sections 323, 324, 506, 34 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. At the time of issuance of notice of motion on 11.02.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.205 dated 8.10.2021 at Police Station Mukerian, District Hoshiarpur under Sections 323, 324, 506, 34 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.

Learned counsel for the petitioner submits that as per the FIR, the petitioner Ashwani Kumar is alleged to have given a blow with 'datar' which hit the complainant on back side of his head. Learned counsel submitted that infact it is a case of cross-versions and that the genesis of occurrence has been suppressed inasmuch as even the petitioner was caused an injury as would be evident from MLR (Annexure P-1), which shows that he has also sustained an injury.

Notice of motion for 12.7.2022.

At this Stage, Mr. Ishan Sharma, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

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

3. Learned State counsel assisted by learned counsel for the complainant has informed that the alleged cross-version has been thoroughly examined by the police and has been found to be false and an entry to this effect has been recorded in DDR No.44 dated 10.10.221. Learned State counsel upon instructions has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 11.02.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when

called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

12.07.2022

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(GURVINDER SINGH GILL)
JUDGE

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