

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

208

CRM-M-5924-2022

Date of decision: 29.03.2022

SARVAN SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. B.D.Sharma, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab
for the respondent-State.

Ms. Arti Kaur, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 148 dated 19.11.2021 registered under Sections 323/324/326/427/506/148/149 of the Indian Penal Code, 1860 at Police Station Raja Sansi, District Amritsar (Rural) to which Section 326 IPC was added later on.

While issuing notice of motion on 11.02.2022, Co-ordinate Bench of this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 11.02.2022 reads as under :-

“Learned counsel for the petitioner would contend that the incident is of 14.11.2021 and the FIR was lodged on 19.11.2021. It is further the contention that the complainant had been declared fit for recording of his statement on 16.11.2021 by the doctor. However, the complainant refused to get his statement recorded on the ground that he had a headache and it is only after getting discharged from the hospital that the present FIR had been

lodged. It is further the contention that the injury attributed to the present petitioner is simple in nature.

Notice of motion.

On the asking of the Court, Ms. Bhavna Gupta, DAG Punjab has joined the session through video conferencing and accepts notice on behalf of the respondent-State.

Mr. Rahul Bhargav, learned counsel appearing on behalf of the complainant has vehemently opposed the grant of anticipatory bail and has stated that the present is a case of road-rage and the conduct of the petitioner would have to be seen. He is, however, not in a position to deny that the injury attributed to the petitioner is simple in nature.

List on 29.03.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 11.02.2022, submitted that in compliance with order dated 11.02.2022, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Jasbir Singh, acknowledged that in compliance with order dated 11.02.2022 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

Learned Counsel appearing on behalf of the complainant has strongly opposed the grant of anticipatory bail to the petitioner.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 11.02.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

29.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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