

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8268-2022

Date of decision : 30.03.2022

Mohd. Sahil and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Sunny K.Singla, Advocate
for the petitioners.

Mr.Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.10 dated 18.01.2022 registered under Sections 452, 323, 427, 148, 149 at Police Station Division no.7, Ludhiana, District Police Commissionerate Ludhiana.

On 25.02.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioners inter alia contends that even as per the FIR, no specific injury has been attributed to the petitioners and the injuries which have been caused to the complainant party are simple in nature. It is further submitted that there is delay of 5 days in registration of the FIR as the incident is of 13.01.2022 whereas the FIR has been registered on 18.01.2022. It is argued that it is the father of the petitioners, who had suffered four injuries, out of which, injury No.2 was lacerated wound of size 3 x 1 cm over left occipital region of skull. It is further argued that it is the complainant who had attacked the present petitioners and caused injuries to them and in fact, the incident had taken place outside the house of the complainant and thus, Section 452 of the IPC has been wrongly mentioned in the present FIR. It is contended that the petitioner is not involved in any other criminal case.

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 30.03.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

25.02.2022

**(VIKAS BAHL)
JUDGE”**

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined investigation.

Learned State counsel, on instructions from SI Jagpal Singh, has submitted that the petitioners have joined investigation and are not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 25.02.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 25.02.2022 is made absolute.

Nothing stated above shall be construed as an 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 petition.

**(VIKAS BAHL)
JUDGE**

March 30, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No