

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10155-2021

Date of decision : 28.03.2022

Parma Nand Brahmpuri

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.R.S.Sidhu, Advocate
for the petitioner.

Mr.Harpreet S.Multani, AAG, Punjab.

Mr. R.S.Ghuman, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.12 dated 10.02.2021 registered under Sections 353, 186, 506 IPC at Police Station Garhshankar, District Hoshiarpur.

On 04.03.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is seeking anticipatory bail in FIR No. 12 dated 10.02.2021, under Sections 353, 186 and 506 of the Indian Penal Code, 1860, registered at Police Station Garhshankar, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner is working as a government teacher. His brother-in-law met with an accident on 02.11.2020 and suffered severe injuries on arms, knee and head. There were two fractures on the arms. The brother-in-law of the petitioner was taken to the hospital. As he was not being administered treatment, there was verbal

altercation. The complainant, who is an Emergency Medical officer, lodged a complaint wherein it is stated that the petitioner and others had misbehaved with him and had threatened to malign him and his family. He further contends that there is no allegation that any physical scuffle took place.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to seek instructions.

Mr. Ranjit Singh Ghuman, Advocate, has put in appearance on behalf of the complainant and filed 'vakalatnama', which is taken on record. He contends that the allegations against the petitioner are very serious. He also contends that the petitioner has misbehaved with a government servant on duty and, therefore, he is not entitled to the concession of anticipatory bail.

List on 19.04.2021.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

**(ANUPINDER SINGH GREWAL)
JUDGE”**

04.03.2021

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

Learned State counsel, on instructions from SI Rakesh Kumar, has submitted that the petitioner has joined investigation and is not required for further investigation.

Learned counsel for the complainant has opposed the present petition for anticipatory bail and has submitted that the same be dismissed.

This Court has heard learned counsel for the parties and has perused the paper book.

A coordinate bench of this Court, after considering the

arguments raised by the petitioner and the complainant, had granted interim protection, in pursuance of which the petitioner has joined the investigation and as per State counsel, is 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 04.03.2021, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 04.03.2021 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 28, 2022
Davinder Kumar

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