

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-10521-2022

Date of decision : 30.03.2022

Dilshad Ali

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sunny K.Singla, Advocate
for the petitioner.

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 petitioner 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 11.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that in the present case, FIR has been registered after a period of five days from the date of incident inasmuch incident had occurred on 13.01.2022 and the FIR had been registered on 18.01.2022. It is further submitted that even as per the FIR, the petitioner has been attributed one injury but the said injury is simple in nature. It is further contended that in fact, all the injuries on the person of the complainant are simple in nature. He has relied upon order dated 15.02.2022 passed by this Court in case of co-accused Basarat Ali in CRM-M-6429-2022 which would show that the co-accused of the present petitioner namely Basarat Ali had also 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 contended that said Basarat Ali had already been granted anticipatory bail by the abovesaid order. It is further argued that it is the complainant party who had attacked the said Basarat Ali and caused injuries to him and even the present incident had taken place outside the house of the complainant and, thus, Section 452 of IPC has been wrongly mentioned in the FIR. It is further contended that the present petitioner is not involved in any other case. It is submitted that the petitioner's party is in possession of video, as per which, the complainant party was armed with iron pipe and they gave blow upon the head of Basarat Ali (co-accused). It is also submitted that the complainant is involved in another FIR i.e. FIR No.110 dated 19.04.2018. It is further submitted that the co-accused of the petitioner namely Mohd. Sahil and another have also filed anticipatory bail vide CRM-M-8268-2022 which is now pending for 30.03.2022 and in the said case, interim protection has been granted to them.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, 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 petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

To be heard alongwith CRM-M-8268-2022.

11.03.2022

**(VIKAS BAHL)
JUDGE"**

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

Learned State counsel, on instructions from SI Jagpal Singh, has submitted that the petitioner has joined investigation and 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 11.03.2022, 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 11.03.2022 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	Yes/No
Whether reportable	Yes/No