

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22510-2022
Date of decision:28.09.2022

Gurkewal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rohit Singla, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in DDR/Rapat No.40 dated 14.11.2021 registered as cross case in FIR No.146 dated 14.11.2021 under Sections 324,323,148,149 IPC (Section 326 IPC added subsequently) at Police Station Nehianwala, District Bathinda.

On 23.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present case is a case of version and cross-version and even from the side of the petitioner (accused party), three persons have been injured including the present petitioner. It is further submitted that although, three persons from the side of the complainant party have also been injured but only one injury has been attributed to the present petitioner and the said injury is on the back side of the right ear of Rashpal Singh and the same is grievous in nature. It is contended that the question as to who was the aggressor would be considered during the course of trial.

Notice of motion for 27.07.2022.

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.

23.05.2022

(VIKAS BAHL)
JUDGE”

Thereafter, on 23.08.2022, this Court was pleased to pass the following order: -

“Learned State counsel, on instructions from ASI Parkash Singh, has submitted that the petitioner has not joined the investigation.

Last opportunity is granted to the petitioner to join the investigation on 01.09.2022 at 11.00 AM.

Adjourned to 28.09.2022.

Interim order to continue.

August 23, 2022

(VIKAS BAHL)
JUDGE”

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 ASI Gurmail 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 23.05.2022, 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 23.05.2022 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.

28.09.2022

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Whether speaking / reasoned
Whether reportable

(VIKAS BAHL)
JUDGE

Yes/No
Yes/No