

CRM-M-18402-2019

Date of Decision:04.03.2022

Rajinder Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Vishal Rattan, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. S.C.Jindal, Advocate,
for the complainant.**AMOL RATTAN SINGH, J. (Oral)**Case heard *via* video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.121, dated 29.05.2018, having been registered at Police Station Maur, District Bathinda, alleging therein the commission of offences punishable under the provisions of Sections 323/324/148/149 of the IPC.

On 17.11.2021, the following order had been passed by this court, the petitioner having been admitted to interim bail pursuant to an order passed on 25.04.2019:-

“Case heard via video conferencing.

Vide an order passed by this court on 25.04.2019, the petitioner had been directed to join investigation and was to be admitted to bail if he was arrested. That order continued over a period of time. Today, learned State counsel submits that, as per his instructions from ASI Lakhwinder Singh, in fact a cancellation report has been prepared in the case, which has even been accepted by the SP. However, today learned counsel appears for the complainant and

submits that the MLR as has been annexed with the petition (copy Annexure P2), is in respect of one Sukhjit Kaur wife of Hardeep Singh and not that of Surjit Kaur, wife of the complainant (Manpreet Singh). Without making any comment on the aforesaid contention, though of course it is seen that in the FIR the complainant is seen to be Manpreet Singh whereas the said MLR shown to be of Sukhjeet Kaur wife of Hardeep Singh, hearing in the matter is adjourned to 14.12.2021. Learned State counsel would convey a copy of this order to the SSP concerned, with the complainant obviously at liberty to approach the SSP and to apprise him of the aforesaid facts, after which the SSP will direct a gazetted officer to go into the matter and to file an appropriate affidavit in response to the petition, including the contention raised by learned counsel for the petitioner at this stage, i.e more than 2 ½ years after the interim order passed by this court admitting the petitioner to interim bail.

Interim order to continue till the next date of hearing.”

A detailed reply has now filed by the DSP, Sub Division, Maur, dated 24.02.2022, in which the entire history of the case has been given, with learned State counsel submitting that it was incorrectly stated earlier by ASI Lakhwinder Singh, that a cancellation report was filed, whereas actually upon completing investigation in the matter, it was found that the petitioner and others were involved in the commission of the offence.

Upon query as to the nature of injuries, he submits that all other injuries are simple injuries but with one injury on the finger of one person being a grievous injury attributed to the petitioner; and with counsel for the complainant submitting that it was actually on the thumb of the said person.

Looking at the above, without making any comment on the actual merits of the case, the order passed admitting the petitioner to interim bail is made absolute, with the petition accordingly disposed of.

However, it is made abundantly clear that admitting the petitioner to bail does not reflect the opinion of this court in any manner whatsoever on his guilt or innocence, which naturally would be gone into by the investigating agency and the competent court at the appropriate stage, as per evidence gathered/led.

March 04, 2022
dharamvir

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO