

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24507-2022

Date of decision : 02.08.2022

Rajan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gagandeep Singh Simble, Advocate for the petitioner.
Mr.Sarabjit Singh Cheema, AAG, Punjab.
Mr.Amandeep Singh Manaise, 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.75 dated 19.05.2022 registered under Sections 452, 323, 506, 34 IPC at Police Station City Batala, Police District Batala, District Gurdaspur.

On 31.05.2022, this Court was pleased to pass the following order:-

“Inter alia contends that as per the FIR, the alleged incident had taken place on 18.05.2022 at 7.30 PM but the statements, on the basis of which, the FIR has been registered, have been recorded on 19.05.2022 at 10:15 PM and the FIR has been registered at 11:03 hours. It is further submitted that in fact, on 19.05.2022, it was the complainant party who had injured the present petitioner and in support of the same, reference has been made to MLR dated 19.05.2022 (Annexure P-2) and it is after beating the petitioner that the complainant has got the present FIR registered. It is contended that as on date, no injury has been declared as grievous in nature and the allegations with respect to theft of Rs.60,000/- have also not been till date found to be substantiated by the prosecution as no offence under Section 379

of IPC has been added.

Notice of motion for 02.08.2022.

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.

Liberty is granted to the counsel for the complainant and State to produce on record the relevant documents in order to show that the petitioner is not entitled for grant of anticipatory bail.

31.05.2022”

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 Joginder 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 31.05.2022 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 31.05.2022 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.

(VIKAS BAHL)
JUDGE

August 02, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No