

203/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22725-2020

Date of decision-08.02.2022

Gaurav

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjeev K. Virk, Advocate
 for the petitioner

Mr. Ramandeep Sandhu, Sr. DAG, Punjab

MANOJ BAJAJ, J. (ORAL)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.165 dated 19.05.2020 under Sections 307, 324, 323, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station City Kapurthala.

On 19.01.2021, this Court had passed the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.165 dated 19.05.2020 registered under Sections 148, 307, 323, 324 and 341 read with Section 149 of the Indian Penal Code, 1860 at Police Station City Kapurthala.

Due to some technical problem at the end of learned Counsel for the petitioner, submissions made by him could not be heard. Learned State Counsel seeks time to file reply.

Adjourned to 06.04.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on

interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation. He has argued that the petitioner is accused of causing injury to the victim on the non-vital part of his body and the offence punishable under Section 307 IPC was incorporated in the FIR as one of the accused namely Mithan aimed to strike a blow on the head which was resisted by the victim with his right hand.

Learned State counsel who is instructed by SI Gurmit Singh states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.01.2021 is made absolute.

08.02.2022
Poonam Negi

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned : Yes No

Whether Reportable : Yes No