

CRM-M-26239-2022

Date of decision: 13.07.2022

NITISH HANDA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 13.06.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in FIR No.20 dt.20.02.2022 under Sections 307, 323, 379, 34 IPC and Section 354 IPC registered at Police Station Dhariwal, District Gurdaspur, Punjab.

Counsel for the petitioner contended that the fight in fact took place between the complainant and one Karan Singh-non-applicant, that both parties received injuries, that petitioner is the brother of Rohit Handa, one of the main accused, and he was not present at the time of occurrence as he was having a mobile shop in that area; and Rohit Handa had been given concession of anticipatory bail on 09.03.2022 on the ground that the injury attributable to him is only simple injury falling under Section 323 of the IPC. It is contended that even the petitioner is alleged to have caused only simple injuries on non vital parts of the complainant, and therefore, he should be considered for grant of pre-arrest bail.

Notice of motion for 13.07.2022.

At the asking of the Court, Mr.Karanbir Singh, AAG, Punjab accepts notice on behalf of the respondent/State and, on instructions from ASI Balbir Singh, states that the injuries attributed to the petitioner are also simple in nature as in the case of Rohit Handa.

In the meantime, the petitioner is directed to

appear before the Investigating/arresting Officer to join investigation and in the event of his arrest, the Investigating/arresting officer shall release the petitioner on ad interim bail subject to his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation. The injury under Section 324 IPC has been attributed to the petitioner, the injury under Section 307 IPC has been attributed to non-applicant, namely, Karan Singh and the injured have been discharged from the hospital. The recovery of weapon has been effected.

On instructions from ASI Balbir Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 13.06.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

13.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No