

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26539-2022

Date of decision : 16.11.2022

Vishal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Sachin Kalia, Advocate for
Mr.R.S. Bajaj, Advocate
for the petitioner.

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

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.32 dated 03.04.2022 registered under Sections 307, 324, 148, 149 I.P.C. at Police Station Cantt., Police District- Police Commissionerate, Jalandhar, District Jalandhar.

On 15.06.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Counsel inter alia submits that 4 persons were specifically mentioned in the FIR and there were allegations that 4 unknown persons had given hockey and baseball bat blows on the person of Sumit, which was witnessed by Amit, the brother. The petitioner has been named thereafter and is stated to be amongst one of the 4 unknown persons.

Notice of Motion for 12.09.2022.

Mr. A.A. Pathak, Addl. AG, Punjab accepts notice on behalf of the respondent/State.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest, he shall be released on ad interim bail by the Investigating Officer. The petitioner shall join investigation as and when required and shall comply with the

conditions laid down under Section 438(2) Cr.P.C.

June 15, 2022 **(G.S. SANDHAWALIA)**
JUDGE”

On 12.09.2022, this Court was pleased to pass the following order:-

“Learned State Counsel has submitted that although, the petitioner has joined the investigation but has not fully cooperated with the investigation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 29.09.2022 at 11:00 A.M.

Adjourned to 20.10.2022.

Interim order to continue.

12.09.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel 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 15.06.2022, 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 15.06.2022 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

November 16, 2022
Davinder Kumar