

208-B

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29762-2022

Date of decision : 29.10.2022

Ali Mohd.

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhishek Kathial, Advocate for
Dr. Khushbir K. Bhullar, Advocate for the petitioner.

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

Mr. Sahil Thakur, Advocate for
Mr. Manuj Nagrath, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in Cross case/version registered vide GD No.18 dated 05.05.2022 under Sections 452, 436, 380, 427, 148 and 149 of Indian Penal Code, 1860 at Police Station Mattewal, Amritsar Rural in FIR No.23 dated 10.04.2022 registered under Sections 302, 452, 323, 379B(2), 148 and 149 of the Indian Penal Code, 1860 at Police Station Mattewal, Amritsar Rural.

On 14.07.2022, this Court had passed the following order:-

“This is a second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in cross case/version registered vide GD No.18 dated 05.05.2022 under Sections 452, 436, 380, 427, 148 and 149 of the Indian Penal Code, 1860 at Police Station Mattewal, Amritsar Rural in FIR No.23 dated 10.04.2022 registered at

Police Station Mattewal, Amritsar Rural under Sections 302, 452, 323, 379B(2), 148 and 149 of IPC.

The first petition filed was withdrawn vide order dated 01.06.2022 (Annexure P-5) with liberty to file fresh petition after giving full details of the cases registered against the petitioner.

Learned counsel for the petitioner has submitted that after complying with the said observations, the present petition has been filed and thus, in effect, this is the first petition. It is argued that in the present case, it was on the statement of Roshan Deen, who is from the petitioner's side that one FIR No.23 dated 10.04.2022 was registered under Sections 302, 452, 323, 379-B(2), 148, 149 of the Indian Penal Code, 1860, at Police Station Mattewal, District Amritsar Rural and in the said FIR, allegations had been levelled with respect to the injuries caused to deceased-Lal Hussain by the party who is the complainant in the present DDR and the said Roshan Deen had also been injured in the said incident. It is argued that the DDR had been registered after a delay of 25 days inasmuch as the incident in question is of 10.04.2022 whereas the DDR had been registered on 05.05.2022 and in the DDR, there is no allegation to the effect that any injury had been caused to any person. It is further argued that the petitioner is involved in one more case, in which, the petitioner has been granted anticipatory bail. It is further submitted that co-accused of the petitioner namely Roshan Deen, Billa Khan, Sarif and Lal Deen have also applied for the concession of anticipatory bail and in their cases, notice of motion has been issued for 24.08.2022 and interim protection has also been granted to them.

Notice of motion for 24.08.2022.

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 petitioners 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.

To be heard alongwith CRM-M-26559-2022.”

Thereafter, on 24.08.2022, the following order was passed:-

“Learned State Counsel, on instructions from SI Gurpreet Singh, has submitted that although the petitioner has joined the investigation but however has not fully cooperated with the investigation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 05.09.2022 at 11:00 am.

Adjourned to 13.10.2022.

Interim order to continue.

A photocopy of this order be placed on the files of other connected cases.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders dated 14.07.2022 and 24.08.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jatinder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 14.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the

interim order dated 14.07.2022 is ordered to be made absolute.

However, 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 application.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No