

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(295)

CRM-M-30625-2022

Date of decision: - 25.07.2022

Mahinder @ Mahinderpal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Harsh Neyol, Advocate,
and Mr. J.R. Syal, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.161 dated 08.11.2021, under Sections 452, 323, 506, 148 and 149 IPC, registered at Police Station Khuian Sarwar, District Fazilka.

On 18.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, there is no opinion of the Doctor declaring any of the injuries to be grievous. It is submitted that although, the alleged incident was of date 01.11.2021 but the FIR was registered on 08.11.2021 i.e. after an undue delay of 7 days. It is further submitted that one of the co-accused of the

petitioner namely Sanjay @ Sanjeev Kumar has also filed petition bearing No.CRM-M-23626-2022 for grant of concession of anticipatory bail, in which, notice of motion has already been issued and interim protection has been granted in his favour and the same is now listed for 25.07.2022.

Notice of motion for 25.07.2022.

To be heard alongwith CRM-M-23626-2022.

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.

Learned State Counsel is directed to verify the fact as to whether any of the injuries caused have been declared as grievous in the present case.”

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

Learned State counsel, on instructions from ASI Resham Singh, has submitted that the petitioner has joined the investigation on 22.07.2022 and is not required for further investigation. It is further submitted that as of now there is no opinion that any injury has been declared as grievous in nature.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 18.07.2022 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 18.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

July 25, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No