

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35959-2021

Date of decision : 07.02.2022

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Amit Shukla, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

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.69 dated 19.07.2021 registered under Sections 326, 325, 323, 324, 427, 506, 148, 149 IPC (Sections 326 and 325 IPC added later on) and Sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989 at Police Station Verowal, District Tarn Taran.

On 02.09.2021, a coordinate Bench of this Court was pleased to pass the following order:-

“Heard through video conferencing.

Counsel for the petitioner submits that an altercation ensued between the parties over the alleged demolition of a water drain by the accused. He submits that the attribution qua the petitioner is a kirpan blow on the left ankle of the complainant, which has been

declared to be grievous attracting offence under Section 326 IPC. It is his argument that the offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is not attributed to the petitioner. He submits that the petitioner, who has unblemished antecedents is ready and willing to join the investigation.

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 07.02.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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

Learned State counsel, on instructions from ASI Avtar Singh, has submitted that the petitioner has joined the 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 02.09.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 02.09.2021 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

February 07, 2022
Davinder Kumar

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