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

CRM-M-32939-2022

Date of decision : 02.08.2022

Balraj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Harpreet Kaur Maini, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.262 dated 22.12.2019 registered under Sections 323/324/148/149/452/326 of the Indian Penal Code, 1860 (Sections 326 and 452 of IPC have been added later on vide DDR No.39 dated 06.01.2020 and DDR No.25 dated 30.12.2019) at Police Station Kotbhai, District Sri Muktsar Sahib.

On 29.07.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the injury attributed to the present petitioner is injury No.2 which has been declared to be simple in nature and it has been wrongly recorded in the order dated 02.07.2022 rejecting bail of the petitioner that injury attributed to the petitioner is grievous in nature. It is further submitted that even perusal of the FIR would show that the complainant used to look into the house of the

present petitioner at his wife, on account of which, the alleged incident has taken place. It is contended that in the present case, the compromise has been effected between the parties and the petitioner has also filed petition under Section 482 of Cr.P.C. for quashing of FIR on the basis of compromise i.e. CRM-M-5365-2021, in which, notice of motion had been issued and the said case is pending and the parties were directed to appear before the trial Court for recording of their statements with regard to compromise but the parties could not get their statements recorded on account of COVID-19 pandemic.

Notice of motion for 02.08.2022.

To be heard alongwith CRM-M-5365-2021.

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 counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 29.07.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Amrik 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 order dated 29.07.2022 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 29.07.2022 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.

02.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No