

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201-1)

CRM-M-33773-2022

Date of decision: - 08.09.2022

Davinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. P.S. Paul, Advocate,
for the complainant.

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.44 dated 27.06.2022, under Sections 452, 323, 427, 506, 148 and 149 IPC (Section 458 IPC has been added later on), registered at Police Station Block Majri, District Mohali.

On 02.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, on 26.06.2022, the petitioner alongwith his friends were celebrating the winning of Simranjit Singh Mann who was elected as MP seat from Sangrur District and the complainant party were angry with the said fact, on account of which, there was verbal altercation and the present FIR has been registered. It is further submitted that the incident had not taken place in the house of the complainant. It is contended that even

as per the FIR, one injury has been caused to the complainant which has been declared to be simple in nature which is inflicted with the blunt weapon and three injuries caused to his mother are not specifically attributed to the petitioner and at any rate, the same are declared to be simple in nature. It is further contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.20,000/- to the complainant without admitting his liability.

Notice of motion for 08.09.2022.

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. To be heard alongwith CRM-M-32010-2022.

The petitioner is directed to prepare demand draft of Rs.20,000/- in the name of complainant and is also directed to bring the same on the next date of hearing before this Court.

It is made clear that in case, the petitioner does not bring the said demand draft on the next date of hearing, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.20,000/- would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

02.08.2022"

Learned counsel for the petitioner has submitted that he has handed over a demand draft of Rs.20,000/- to the Investigating Officer and in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Harinder Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation. It is further submitted that the demand draft has been handed over to the Investigating Officer, who is

present in Court.

The investigating officer is directed to hand over the said demand draft to the complainant within a period of two weeks from today, and take receipt regarding the same.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 02.08.2022 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 02.08.2022 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.

September 08, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No