

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36045-2022
Date of decision : 28.09.2022

Harvinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ajay Kumar, Advocate for
Mr.Rishu Mahajan, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

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.31 dated 19.03.2022 registered under Sections 307, 324, 323, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Division no.1, Jalandhar.

On 23.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, one injury has been attributed to the petitioner which is on the left eye brow which is simple in nature and even Varinder Singh from the petitioner's party had also suffered injuries. It is further submitted that the petitioner is not involved in any other case and he, in order to show his bona fide, is ready to give an amount of Rs.30,000/- to the injured-Jaswant Singh, without admitting his liability.

Notice of motion for 28.09.2022.

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.

The petitioner is directed to prepare demand draft of Rs.30,000/- in the name of injured-Jaswant Singh and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the complainant after getting receipt from him.

It is made clear that in case, the demand draft of Rs.30,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.30,000/- would not be construed as an admission of guilt by the petitioner.

23.08.2022 **(VIKAS BAHL)**
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has handed over the demand draft of Rs.30,000/- in the name of the complainant to the Investigating Officer.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has admitted the fact that the petitioner has given the demand draft of Rs.30,000/- in the name of the complainant to the Investigating Officer, who had further given the same to the complainant.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 23.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has given

Investigating Officer, the present petition is allowed and the interim order dated 23.08.2022 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

September 28, 2022
Davinder Kumar

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