

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41615-2021 (O&M)
Date of decision: 28.03.2022

Gurdayal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Varinder Basa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.77 dated 18.08.2021 under Sections 323, 324, 34 IPC (Section 326 IPC was added later on), registered at Police Station Sekhwan, District Batala.

While staying arrest of the petitioner, following order was passed by this Court on 05.10.2021: -

“...Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case as the complainant is inimical towards him; the matter is of version and cross-version; in fact, the complainant party was the aggressor and inflicted as many as four injuries on the father of the petitioner; even if the case of the prosecution is taken as the gospel

truth, though vehemently denied, the petitioner is attributed a simple injury on the complainant's head; the grievous injury attributed to the petitioner on the complainant's wife is on the index finger of the left hand – a non-vital part of the body; the petitioner has no criminal antecedents and that the petitioner is also ready and willing to join the investigation as and when called by the investigation agency...”

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division City Batala, Police District Batala, filed in the Court today, is taken on record, in which, after giving details of the FIR and the injuries sustained by the injured persons, it is stated that since arrest of the petitioner has been stayed, he has not joined the investigation.

Learned State counsel submits that the petitioner be directed to join the investigation.

In view of the above, this petition is allowed and the order dated 05.10.2021 passed by this Court, vide which arrest of the petitioner was stayed, is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C. with the condition that he will appear before the Investigating Officer on 04.04.2022 at 10.00 a.m. or any other date or time as fixed by the Investigating Officer, for the purpose of completing the investigation.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No