

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

CRM-M-37771-2022

Date of Decision: 14.09.2022

Ajay Kumar and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Harsh Neyol, Advocate, for the petitioners.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

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. 161, dated 08.11.2021, under Sections 452/323/506/148/149 of the IPC, registered at Police Station Khuian Sarwar, District Fazilka.

On 25.08.2022, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.161 dated 08.11.2021 registered under Sections 452/323/506/148/149 of the Indian Penal Code, 1860 at Police Station Khuian Sarwar, District Fazilka.

The present petition has been filed by two petitioners i.e. Ajay Kumar and Bablu. Learned counsel for the petitioners has submitted that as far as petitioner No.2-Bablu is concerned, since he has been attributed four injuries on the head of the complainant with the iron hand pump handle, and, in order to avoid

an adverse order, seeks permission of this Court to withdraw the present petition qua petitioner No.2-Bablu.

In view of the abovesaid statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn qua petitioner No.2-Bablu.

With respect to petitioner No.1-Ajay Kumar, it is inter alia contended that the said petitioner is stated to be armed with daang and has stated to have been given injuries on the left hand of the complainant and it is stated that the said injury is simple injury and is on a non-vital part.

Notice of motion for 14.09.2022.

In the meantime, in the event of arrest, petitioner No.1-Ajay Kumar shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner No.1 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 above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Balwinder Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.08.2022 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 25.08.2022 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 14, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No