

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

CRM-M-38626-2022

Date of Decision: 15.09.2022

Sukhchain Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0262 dated 22.12.2019 registered under Sections 323, 324, 148, 149, 452, 326 IPC (Sections 326, 452 IPC added later on) at Police Station Kotbhai, District Shri Muktsar Sahib.

On 29.08.2022, this Court was pleased to pass the following order:-

“This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0262 dated 22.12.2019 registered under Sections 323, 324, 148, 149, 452, 326 IPC (Sections 326, 452 IPC added later on) at Police Station Kotbhai, District Shri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the first bail petition of the petitioner was withdrawn with liberty to file a fresh petition, after

removing the inadvertent errors and after annexing all the relevant documents, vide order dated 24.08.2022 and the said liberty was granted and thus, the present petition for anticipatory bail is effectually the first petition for anticipatory bail. It is further submitted that the petitioners have been alleged to have inflicted injury on the back of the complainant, which is a simple injury. It is further submitted that the case of the present petitioner is on better footing than the case of co-accused Raju Singh, inasmuch as Raju Singh has been attributed an injury with wooden Tamba on the left arm which has been declared to be a grievous injury.

Notice of motion.

On advance notice, Mr.Ramdeep Partap Singh, Sr. DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 15.09.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Amrik 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 29.08.2022 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 29.08.2022 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 15, 2022
nitin

(VIKAS BAHL)
JUDGE

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