

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44937-2021

Date of decision : 19.01.2022

Happy Ghai @ Bahadur @ Meshi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

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.79 dated 07.06.2021 registered under Sections 307, 323, 324, 148, 149 IPC at Police Station Division no.3, Jalandhar.

On 28.10.2021, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that as per the prosecution version, no specific injury has been attributed to the petitioner. It is further submitted that the injury on the eye has been attributed to the co-accused Sahil Hans and has submitted that although, it has been recorded in the order dated 18.10.2021 that the complainant has lost his sight but actually, the complainant has not lost his sight and it is

only for sometime after the injury was given by the co-accused namely Sahil Hans, that the complainant could not see and at present, he can see with both the eyes. It is submitted that even other injuries are simple in nature.

Notice of motion.

On asking of the Court, Mr. A.K. Kaundal, DAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 16.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to 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 State is also directed to verify the facts as to whether the complainant has lost the vision of his one eye permanently or if it was only temporary and as to whether any of the injury inflicted upon him, has been found to be grievous.”

On 16.12.2021, this Court was pleased to pass the following order:-

“Learned State counsel, in pursuance of the order dated 28.10.2021, has submitted status report by way of affidavit of the Assistant Commissioner of Police and as per para 11 of the said affidavit, the opinion of the doctor has been taken and as per his opinion, the injury suffered by the complainant is simple in nature. The said affidavit is taken on record.

Learned State counsel has however submitted that the petitioner has not joined the investigation.

The petitioner is directed to join the investigation on 22.12.2021 at 11.00 AM.

Adjourned to 19.01.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the said order and also the subsequent order dated 16.12.2021, the petitioner has joined the investigation.

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

Keeping in view the above said facts and circumstances moreso, the fact which has been noticed in the order dated 28.10.2021 as well as in the order dated 16.12.2021 and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 28.10.2021 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

January 19, 2022

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No