

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40956-2022

Date of decision : 27.10.2022

Rahul alias Shalu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. S.K.Choudhary, Advocate
for the petitioner.

Mr.Iqbal S.Mann, 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.74 dated 09.05.2022 registered under Sections 307, 324, 323, 148, 149 IPC at Police Station Division no.2, District Pathankot.

On 08.09.2022, this Court was pleased to pass the following order:-

“CRM-33383-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

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Inter alia, contends that in the present case, although, the petitioner was stated to be armed with a datar, but no specific injury has been attributed to him. It is submitted that the petitioner is however ready to pay Rs.15,000/- to the complainant, without

admitting his liability within a period of two weeks from today.

Notice of motion for 27.09.2022.

On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

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.

Petitioner is directed to get a demand draft of Rs.15,000/- in the name of the complainant and hand over the same to the Investigating Officer within a period of two weeks from today. The investigating officer is directed to hand over the said demand draft to the complainant, after taking a receipt regarding the same.

It is made clear that in case the said demand draft is not handed over to the complainant within the said period of two weeks from today, then, the interim order granted in favour of the petitioner would be liable to be vacated. The said payment, however, would not be construed as an admission of guilt by the petitioner.

September 08, 2022 (VIKAS BAHL)
JUDGE ”

On 27.09.2022, this Court was pleased to pass the following order:-

“Learned State counsel, on instructions of ASI Narinder Singh, has submitted that the petitioner has not joined the investigation.

The petitioner is directed to join investigation again on 11.10.2022 at 11:00 AM.

Adjourned to 27.10.2022.

(VIKAS BAHL)
JUDGE

September 27, 2022.”

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.15,000/- in the name of the complainant to the Investigating Officer.

Learned State counsel, on instructions from SI Balwinder Kumar, has reiterated the above said fact and submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 08.09.2022, and also the fact that the petitioner has handed over the demand draft of Rs.15,000/- in the name of the complainant to the Investigating Officer and has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 08.09.2022 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

October 27, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No