

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41112-2020 (O&M)
Date of Decision:- 11.3.2022

Aman Khichad

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Suman Kumari, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 114 dated 27.07.2020 under Sections 452, 323, 148, 149 IPC (Sections 325 and 452 IPC were deleted and Section 458 IPC was added) and Sections 25 & 27 of Arms Act, registered at Police Station Bahawala(Bhav Wala), District Fazilka.
2. At the time of issuance of notice of motion the following order was passed on 9.12.2020:

“Case has been taken up for hearing through Video Conferencing.

This petition under Section 438 Cr.P.C. is for grant of prearrest bail to petitioner in case FIR No.114 dated 27.07.2020 under Sections 148, 323 and 452 IPC read with Section 149 IPC (Sections 325 and 458 IPC added, whereas Section 452 IPC deleted lateron) and Section 25 of Arms Act, registered at Police Station Bahawala, District Fazilka.

Learned counsel for petitioner inter alia contends that as per allegations petitioner had given Danda blow on the calf of right leg of complainant/injured-Pankaj Kumar. She further urges that alleged injury attributed to the petitioner either may fall invoking the provisions of Sections 323 IPC or 325 IPC. She further urges that co-accused namely Aman Dudy, Arshdeep Singh @ Arsh Lahoria, Pankaj Khichad and Sunil Khichar have already been extended concession of pre-arrest bail by this Court, vide order dated 29.10.2020 passed in CRM-M-26105-2020 and orders dated 03.12.2020 passed in CRM-M-25640-2020, CRM-M-32164- 2020 and CRM-M-30455-2020 respectively. She further submits that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Bhupinder Beniwal, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to furnish detailed reply. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 02.02.2021.

Reply by respondent-State be filed before the Registry of this Court well before the date fixed with copy in advance to learned counsel for the petitioner.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail

subject to his furnishing personal/surety bonds to the satisfaction of Arresting Officer/ Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

3. Learned State counsel has informed that pursuant to aforesaid directions, the petitioner has joined investigation and he is not required for custodial interrogation. It has also been informed that the petitioner is wanted in two other cases.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and interim directions issued by this Court vide order dated 9.12.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

11.3.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No