

*(Through Video Conferencing)*CRM-M No.48122 of 2021
Date of Decision: 18.01.2022

Lakhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Neeraj Madaan, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is seeking anticipatory bail in DDR No.22 dated 31.12.2020 registered under Sections 324, 323, 148 and 149 of the IPC (Section 326 of the IPC added later on) at Police Station Amir Khas, District Fazilka in FIR No.100 dated 28.12.2020 registered under Sections 324, 323 and 34 of the IPC (Sections 326 and 307 IPC added later on vide DDR No.22 dated 01.06.2021) at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 17.11.2021. Order dated 17.11.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of DDR No.22 dated 31.12.2020 registered under Sections 324, 323, 148 and 149 of the IPC (Section 326 of the IPC added later on) at Police Station Amir Khas, District Fazilka in FIR No.100 dated 28.12.2020 registered under Sections 324, 323 and 34 of the IPC (Sections 326 and 307 IPC added later on vide DDR No.22 dated 01.06.2021) at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner argues that this is a case of version and cross-version and the present DDR has got recorded after 10 days of the incident only to put pressure upon the complainant in FIR No.100 dated 28.12.2020 registered under Sections 324, 323 and 34 of the

IPC (Sections 326 and 307 IPC added later on). Learned counsel for the petitioner submits that even otherwise, the allegations alleged against the petitioner-Lakhwinder Singh are only of inflicting injuries, which are simple in nature and as the aggressive party is yet to be identified during investigation and the petitioner is ready to join and cooperate in investigation, he may kindly be extended the benefit of anticipatory bail.

Notice of motion for 18.01.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel concedes the fact that the present DDR was got recorded after 10 days of the incident and that the injuries attributed to the petitioner are simple in nature as well as the fact that the present is a case of version and cross-version.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the injuries attributed to the petitioner are simple in nature and the present is a case of version and cross-version and the aggressive party is yet to be identified during investigation, especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail as the joining and cooperating in investigation by the petitioner will achieve the purpose of the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Harmeet Lal states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 17.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to

do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022
 jyoti-II

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No