

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-M-45643-2022

Date of decision: - 22.11.2022

Abhishek

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Himanshu Arora, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.121 dated 12.11.2021, under Sections 148, 149, 307, 323, 324, 379-B, 452 and 506 IPC and Sections 25 & 27 of the Arms Act, at Police Station Cantt., Ferozepur, District Ferozepur.

On 30.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that one Jonti son of Bagha Ram had been named in the FIR and the present petitioner is son of Tarsame Lal. It is further submitted that the present petitioner has been attributed one injury on the left elbow of the complainant with a kappa, which is non-vital part. It is also submitted that co-accused of the petitioner, namely, Rohit @ Dabbu @ Rohit Gill, who has been attributed injuries on the right side of the head of the complainant and the said injury was grievous in nature, had already been granted the

concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 15.03.2022, passed in CRM-M-1927-2022. It is stated that the injury which has been attributed to the present petitioner is a grievous injury, but is on the non-vital party. It is also stated that the case of the present petitioner is on better footing than that of said co-accused Rohit @ Dabbu @ Rohit Gill and the petitioner, in order to show his bona fide, is ready to pay an amount of Rs.50,000 /- to the complainant, without admitting his liability.

Notice of motion for 20/10/2022.

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.

The petitioner is directed to prepare a demand draft of Rs.50,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of two weeks days from today, who shall further handover the same to the said complainant. It is made clear that in case, the demand draft of Rs.50,000/- is not given to the Investigating Officer prepared in the name of the said complainant within a period of two weeks days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the abovesaid amount of Rs.50,000/- would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

September 30, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, a demand draft of Rs.50,000/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Raman Kumar, has submitted that the demand draft given by the petitioner has

been received by the investigating officer and the petitioner has joined investigation and is not required for further investigation

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 30.09.2022 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 30.09.2022 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.

November 22, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No