

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45209-2022

Date of decision : 27.10.2022

Gaurav @ Gori

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ajay Pal Singh Rehan, 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 (Section 326 IPC added later on) at Police Station Division no.2, District Pathankot.

On 29.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the FIR No.136 dated 01.09.2021 was registered on the complaint of the present petitioner against the complainant and other persons for having caused serious injuries to the present petitioner and on account of the said injuries, the petitioner is not able to properly hold even a glass of water. It is further contended that even as per the present FIR, one injury has been attributed to the present petitioner, which is on the elbow of the right arm of the complainant. Learned counsel for the petitioner has submitted that as per the his instructions, the said injury is simple in nature. It is further stated that in order to show his bona fide, the petitioner is ready to pay an amount of Rs.25,000

/- to the complainant, without admitting his liability.

Notice of motion for 27.10.2022.

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.25,000/- 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.25,000/- 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.25,000/- would not be construed as an admission of guilt by the petitioner. To be heard along with CRM-M-40956-2022.

September 29, 2022

*(VIKAS BAHL)
JUDGE ”*

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.25,000/- 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 29.09.2022, and also the fact that the petitioner has handed over the demand draft of

has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 29.09.2022 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	Yes/No
Whether reportable	Yes/No