

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-45558-2022

Date of decision : 27.10.2022

Sagar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a second 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 29.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the present petition is a second petition for anticipatory bail and the first petition for anticipatory bail was withdrawn by the petitioner with liberty to file a fresh petition after correctly translating the FIR and the petitioner has now correctly translated the FIR and has filed the present petition. It is further submitted that in the present FIR no specific injury has been attributed to the petitioner and it has been alleged that the petitioner armed with an iron rod, along with other co-accused, inflicted injuries to Prince Singh, which included a head injury. Learned counsel for the petitioner has further submitted that as per his instructions, the said injury does not attract offence under

Section 307 or 326 IPC. It is further stated that in order to show his bona fide, the petitioner is ready to pay an amount of Rs.30,000/- 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.30,000/- 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.30,000/- 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.30,000/- would not be construed as an admission of guilt by the petitioner.

To be heard along with CRM-M-40956-2022.

(VIKAS BAHL)
September 29, 2022 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.30,000/- 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

Rs.30,000/- 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 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