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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-45872-2022

Date of decision : 23.11.2022

Manpreet Singh @ Sunny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bhavesh Aggarwal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Jagdish Singh Mahal, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.80 dated 14.06.2022 registered under Sections 27, 29 of NDPS Act, 1985 (Sections 308, 34 of IPC have been added later on) at Police Station Dhariwal, District Gurdaspur.

On 30.09.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the FIR was registered after a delay of three days inasmuch as it was on 11.06.2022, when Manish @ Mani had left the house whereas the complaint had been filed on 14.06.2022. It is further submitted that the petitioner was granted the concession of regular bail vide order dated 20.06.2022 (Annexure P-2) by the Additional Chief Judicial Magistrate, Gurdaspur in the FIR which was initially registered under Sections 27 and 29 of the NDPS Act, 1985. It is contended that after a gap of three months i.e. on

05.09.2022, the complainant has got recorded a supplementary statement and has alleged that the petitioner and the co-accused Harpreet Singh had given beatings to his brother Manish @ Mani on the date of the alleged incident. It is further contended that there is no credible evidence or medical evidence in support of the alleged beatings. It is argued that even as per the FIR, it has been mentioned that Manish @ Mani was a drug addict. It is further argued that the police authorities cannot straightway arrest the petitioner once the petitioner has been granted the concession of bail by the Additional Chief Judicial Magistrate, Gurdaspur, vide order dated 20.06.2022 and it is necessary to obtain an order from the Court either qua cancellation of bail or seeking permission to arrest the petitioner on account of changed circumstances and has relied upon a judgment passed by the Hon'ble Supreme Court in **Pradeep Ram Versus State of Jharkhand and another** reported as **2019(3) RCR (Criminal) 538**. It is also contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.30,000/- to the injured-Manish @ Mani without admitting his liability, for the purpose of his medical expenses within a period of two weeks from today.

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 demand draft of Rs.30,000/- in the name of injured-Manish @ Mani and is

also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the injured-Manish @ Mani after getting a receipt from him

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 injured-Manish @ Mani within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.30,000/- would not be construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 30.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Palwinder Singh, has submitted that the petitioner has joined the investigation. It is further submitted that although, the petitioner has prepared a demand draft amounting to Rs.30,000/- in the name of injured-Manish @ Mani but since Manish @ Mani did not have any account in his name, thus, the said demand draft could not be credited and, therefore, the said demand draft has been returned/handed over to the learned counsel for the petitioner today in the Court.

Learned counsel for the petitioner, in rebuttal, has submitted that the petitioner would deposit an amount of Rs.30,000/- with the trial Court within a period of two weeks from today and would have no objection in case the said money is released to the injured.

Learned counsel for the complainant has submitted that in the

present case, Section 308 of IPC has also been added and thus, the petitioner does not deserve the concession of anticipatory bail.

Keeping in view the abovesaid facts and circumstances moreso, 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.

The petitioner is directed to deposit an amount of Rs.30,000/- with the trial Court within a period of two weeks from today and the trial Court is directed to release the same in favour of injured-Manish @ Mani.

In case, the petitioner does not deposit the abovesaid amount within the abovesaid period then it would be open to the State as well as complainant to move an application for cancellation of the present anticipatory bail granted to the petitioner.

However, 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 application.

23.11.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**