

CRM-M-50346-2021

Date of Decision:- 28.01.2022

VARUN KUMAR

...Petitioner

Verses

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGHPresent: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. Davinderbir Singh, DAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Case has been heard through video conferencing on account of COVID-19 Pandemic.

Prayer is for grant of anticipatory bail in case having FIR No.118 dated 31.08.2021 registered under Section 307/324/34 IPC at Police Station Division No.1, Pathankot, District Pathankot.

The counsel for the petitioner submitted that the petitioner has joined the investigation and cooperated with the police in compliance of the order dated 02.12.2021 passed by this Court.

This fact has been admitted by the State counsel who made this statement on the instructions of SI Satbir Singh and further stated that the petitioner was nominated as accused on the basis of supplementary statement dated 10.09.2021 made by Sahil. As per which Lalkara was attributed to the petitioner.

Admittedly, main accused Fakir Chand @ Fakiru who caused injury with the help of *kirch*, has already been arrested in this case. The

petitioner has joined the investigation and nothing remains to be recovered

from him and no specific injury has been attributed to the petitioner, who was named as accused on the basis of aforesaid supplementary statement of complainant which was recorded after about 10 days of the occurrence. After completion of the investigation, challan has been presented against the main accused Fakir Chand @ Fakiru and two other accused, namely, Mukesh Kumar @ Mithu and Munish Kumar.

In view of the above, this Court is of the view that no purpose is going to be served even if the petitioner is subjected to custodial interrogation at this stage. Consequently, present petition is allowed and the interim order dated 02.12.2021 is hereby made absolute subject to condition envisaged under Section 438(2) Cr.P.C.

28.01.2022
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(KARAMJIT SINGH)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes/No
Yes/No