

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46979-2022

Date of decision : 30.11.2022

Lakhvir Singh @ Lakhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aminder Singh, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.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.0037 dated 19.04.2022 registered under Sections 307, 324, 323, 148, 149 IPC at Police Station Bareta, District Mansa, Punjab.

On 14.10.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner was not named in the FIR and has been made an accused on the basis of supplementary statement of the complainant recorded on 21.05.2022, after a period of more than 01 month of the alleged incident. It is submitted that the petitioner has been attributed one injury attracting Section 325 IPC and the injury attracting Section 307 IPC is not attributed to the present petitioner. It is submitted that the petitioner, in order to show his bona fide, without admitting his liability, is ready to pay Rs.25,000/- to the complainant/injured within a period of 02 weeks from today.

Notice of motion for 01.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to 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 draft of Rs.25,000/- in the name of the complainant and hand over the same to the Investigating Officer within a period of 02 weeks from today and the Investigating Officer is further directed to hand over the same to the complainant after taking a receipt from the complainant. It is made clear that in case the said draft is not handed over as per the conditions mentioned in this order, the interim order would be liable to be vacated.

It is made clear that the payment of Rs.25,000/- by the petitioner would not be construed as an admission of guilt.

14.10.2022 ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has handed over a demand draft of Rs.25,000/- in the name of the complainant to the Investigating Officer.

Learned State counsel, on instructions of ASI Rajpal, has submitted that the petitioner has joined investigation and is not required for further investigation and has affirmed the fact that draft of Rs.25,000/- in the name of the complainant has been handed over to Investigating Officer.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 14.10.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, and the fact that he has handed over a demand draft of Rs.25,000/- in the name of the complainant to the Investigating Officer, the present petition is allowed and the interim order

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

November 30, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No