

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46913-2022

Date of decision : 27.10.2022

Tarsem Lal and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. S.K.Choudhary, Advocate
for the petitioners.

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 petitioners 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 12.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case the petitioners have not been named in the FIR and in addition to 6 named persons, 4-5 unknown persons were also stated to be involved in the incident and against unknown persons, there is no specific injury attributed nor any specific weapon was stated to be carried by the said unknown persons. It is submitted that the petitioners have been named in the statement given by the injured Prince on 25.08.2022 and even as per the said statement, no specific injury has been attributed to the petitioners. It is stated that in order to show their bonafide and without admitting their liability, the petitioners are ready to pay an amount of Rs.15,000/- each (total

amount of Rs.30,000/-) to the injured Prince.

Notice of motion for 27.10.2022.

To be heard along with CRM-M-45558-2022.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners 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 petitioners are directed to prepare two demand drafts of an amount of Rs.15,000/- each in the name of Prince and hand over the same to the Investigating Officer within a period of one week from today and the Investigating Officer is directed to hand over the same to the injured Prince after taking receipt from the said injured Prince.

It is made clear that in case the demand drafts of the said amount are not handed over to the Investigating Officer within a period one week from today, then the interim order granted is liable to be vacated. The payment of Rs.30,000/- to the injured Prince would be not construed as an admission of guilt by the petitioners.

(VIKAS BAHL)
JUDGE

October 12, 2022.”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation and have handed over two demand drafts of Rs.15,000/- each in the name of the injured Prince to the Investigating Officer.

Learned State counsel, on instructions from SI Balwinder Kumar, has reiterated the above said fact and submitted that the petitioners have joined investigation and are 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 12.10.2022, and also the fact that the petitioners have handed over two demand drafts of

Rs.15,000/- each in the name of the injured Prince to the Investigating Officer and have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 12.10.2022 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