

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48204-2022

Date of decision : 30.11.2022

Harman Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Amanpreet Kaur, 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.0039 dated 04.08.2022 registered under Sections 379-B and 34 IPC at Police Station Mattewal, Amritsar (Rural).

On 27.10.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner is a 18 year old boy who is pursuing his studies in 12th standard at Government School, Amritsar and is not involved in the present occurrence. It is further submitted that the petitioner has never been involved in any criminal case. It is contended that the petitioner has been implicated on the basis of statement of his brother namely Ramandeep Singh with whom he has a dispute. It is further contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.50,000/- to the complainant without admitting his liability, within a period of three weeks from today.

Notice of motion for 30.11.2022.

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.50,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of three weeks from today, who shall further handover the same to the complainant after getting receipt from him.

It is made clear that in case, the demand draft of Rs.50,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of three 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.50,000/- would not be construed as an admission of guilt by the petitioner.
27.10.2022”*

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.50,000/- in the name of the complainant to the Investigating Officer.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has affirmed the fact that the petitioner has handed over a demand draft of Rs.50,000/- in the name of the complainant to the Investigating Officer.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 27.10.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has handed

Investigating Officer, the present petition is allowed and the interim order dated 27.10.2022 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

November 30, 2022
Davinder Kumar

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