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

CRM-M-48290-2022

Date of decision : 15.11.2022

Balwinder Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.B.S. Goraya, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.79 dated 30.09.2022 registered under Sections 452, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 25, 54, 59 of Arms Act, 1959 have been added later on) at Police Station Sadar Rupnagar, District Rupnagar, Punjab.

On 27.10.2022, this Court had passed the following order:-

“Inter alia, contends that in the present case, although, the petitioner was stated to have inflicted one injury with a stick (danda) upon Gurjit Singh, but there is no mention as to where the said injury had been inflicted and although, subsequently the offences under the Arms Act have been added, but there is no allegation in the FIR so as to show that any person was carrying any weapon so as to

attract the provisions of the said sections. It is further submitted that the petitioner is not involved in any other criminal case and the petitioner, in order to show his bona fide, is ready to pay an amount of Rs.10,000 /- to the complainant, without admitting his liability. It is also submitted that there is a delay of 2 days in registration of the FIR, inasmuch as, the alleged incident had taken place on 28.09.2022, whereas, the FIR has been registered on 30.09.2022.

Notice of motion for 15.11.2022.

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 a demand draft of Rs.10,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of 10 days from today, who shall further hand over the same to the said complainant. It is made clear that in case, the demand draft of Rs.10,000/- is not given to the Investigating Officer prepared in the name of the said complainant within a period of 10 days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the abovesaid amount of Rs.10,000/- 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 27.10.2022, the petitioner has joined

the investigation.

Learned counsel for the State, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the petitioner has handed over the demand draft amounting to Rs.10,000/- to the concerned Investigating Officer and the Investigating Officer has also handed over the same to the complainant after getting receipt from her.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 27.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and also the fact that the petitioner has handed over the demand draft amounting to Rs.10,000/- to the concerned Investigating Officer and the Investigating Officer has also handed over the same to the complainant, the present petition is allowed and the interim order dated 27.10.2022 is ordered to be made absolute.

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.

15.11.2022

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No