

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102+203)

CRM-6417-2022 in/and

CRM-M-52678-2021

Date of Decision : February 24, 2022

Shalu Mahant and others

.. Petitioners

Versus

State of Punjab

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Vikas Bali, Advocate, for the applicant/complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-6417-2022

Present application has been filed for placing on record the documents marked as Annexures R-1 to R-3 and for seeking exemption from filing certified copies of the Annexures.

Keeping in view the averments made in the application, the same is allowed and Annexures R-1 to R-3 are permitted to be taken on record.

CRM-M-52678-2021

The petitioners are seeking anticipatory bail in FIR No.215 dated 07.10.2021 registered under Sections 323, 324, 506, 148, 149 of the IPC (Section 379-B/120-B of IPC added later on) at Police Station Model

Town, District Ludhiana.

In pursuance to the order dated 16.12.2021, the petitioners have joined investigation. Order dated 16.12.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.215 dated 07.10.2021 registered under Sections 323, 324, 506, 148, 149 of the IPC (Section 379-B/120-B of IPC added later on) at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioner has argued that not only the allegations alleged against the petitioner are false but there is a delay of two days in filing the FIR. Learned counsel for the petitioner submits that even otherwise, the injuries stated to have been received by the victim are simple in nature and as nothing has to be recovered from the petitioner and the petitioner is ready to join the investigation and cooperate, the petitioner may kindly be extended the anticipatory bail.

Notice of motion for 24.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, accepts notice on behalf of respondent-State and Mr. Vikas Bali, Advocate, accepts notice on behalf of the complainant.

Learned counsel submits that the allegation against the petitioner is that the main accused Prince who was having a dispute with the complainant, had engaged the petitioner to inflict the injuries upon the complainant but injuries received by the complainant are simple in nature.

Learned counsel appearing on behalf of the complainant submits that there is a dispute between the parties and the petitioners were engaged by the co-accused Prince to inflict the injuries upon the victim and the injuries suffered by the victim are grievous in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioners that they

had inflicted injuries upon the complainant on the asking of the co-accused Prince are yet to be proved during the trial. As nothing is to be recovered from the petitioners and the injuries inflicted upon the victim are simple in nature, the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate.

The petitioners are directed to join the investigation forthwith. In the event of his arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Harpool Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

Learned counsel appearing on behalf of the complainant submits that sections of the IPC invoked in the present FIR are not commensurate to the injuries, which have been suffered by the victim and the petitioners have already approached the authorities concerned that the

injuries suffered by the victim are not simple but are grievous in nature. Learned counsel for the complainant also disputes the medical report and submits that the prayer of the petitioners for the grant of anticipatory bail may kindly be declined.

The order which is being passed on the prayer of the petitioners is keeping in view the facts and circumstances those exist as of now. Concededly, as of now, the injuries as depicted in the medical report, are simple in nature. In case, at a later stage, the complainant is able to convince the authorities concerned that the injuries suffered by the victim are grievous in nature and certain other sections of the IPC need to be invoked in the FIR, the complainant can have recourse to any remedy available to him at that stage.

In view of the above, the order dated 16.12.2021 granting interim bail to the petitioners is made absolute as of now.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 24, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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