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

CRM-M-48648-2022

Date of decision : 15.11.2022

Dilpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vijay Lath, 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.208 dated 26.09.2020 registered under Sections 341, 323, 326, 120-B, 148, 149 of the Indian Penal Code, 1860 at Police Station Nangal, Tehsil Nangal, District Rupnagar, Punjab.

On 28.10.2022, this Court had passed the following order:-

“Inter alia, contends that co-accused of the petitioner, namely, Kuldeep, who is similarly placed as the petitioner, has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court. It is further submitted that at the time of the incident, the present petitioner was not present at the spot and was in fact present at Takht Sri Keshgarh Sahib, Sri Anandpur Sahib and as per the footage from the CCTV installed at Gurudwara Sahib, the photographs clearly show the presence of the petitioner at around 5.10 PM and the said place is more than 20 KMs away from the place of occurrence

and the condition of the road is such that the petitioner could not have been present at the place of occurrence at 4.30 PM. It is also submitted that the said facts were informed by the petitioner to the police officials and the petitioner was made to believe that no action would be taken against the present petitioner and it is only during the month of September, 2022, the police came to arrest the petitioner in the FIR, when the petitioner had filed a petition for grant of anticipatory bail before the Additional Sessions Judge, Rupnagar, which was dismissed on 12.10.2022. It is stated that the petitioner is not involved in any other criminal case and and that the petitioner, in order to show his bona fide, is ready to pay an amount of Rs.50,000 /- to the complainant, without admitting his liability.

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.50,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further hand over the same to the complainant. 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 two weeks 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.50,000/- 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 28.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Surjit 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.50,000/- to the concerned Investigating Officer and the Investigating Officer has also handed over the same to the complainant after getting receipt from him.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.10.2022 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.50,000/- 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 28.10.2022 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*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**