IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

205

CRM-M-53358-2021
Date of decision: 31.03.2022

VEER @ AKASH .....PETITIONER

Versus

STATE OF PUNJAB .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Anand Kaushal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab
for the respondent-State.

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SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 177 dated 07.11.2021 registered under Sections 341/323/324/325/326/148/149 of the Indian Penal Code, 1860 at Police Station Majitha, Amritsar Rural.

While issuing notice of motion on 22.12.2021, this Court granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 22.12.2021 reads as under :-

> " .....As per the allegations levelled in the FIR, the present petitioner along with co-accused caused injuries to the complainant. It is alleged against the petitioner that he caused injuries to the complainant with Khanda from its reverse side, which hit on the left elbow of the complainant.
>
> Learned counsel for the petitioner submits that there is previous enmity between the petitioner and the complainant, therefore, he has been falsely implicated in the present case. He contends that the petitioner is ready to join the investigation.
>
> Notice of motion.

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> On the asking of Court, Mr. Tanvir Joshi, AAG, Punjab, accepts notice on behalf of the respondent-State. He has apprised the Court that injury under Section 326 IPC is not attributed to the petitioner rather injury under Section 323 IPC is attributable to him.
>
> List on 17.03.2022.
>
> Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions as provided under Section 438(2) Cr.P.C.:-
>
> > 1. That he shall make himself available for interrogation by a police officer as and when required;
> > 2. That he 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 him from disclosing such facts to the Court or to any police officer and;
> > 3. That he shall not leave India without prior permission of the Court..”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 22.12.2021, submitted that in compliance with said order, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Karam Singh, acknowledged that in compliance with order dated 22.12.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not

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required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 22.12.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

(SANT PARKASH)
JUDGE

31.03.2022
kavneet singh

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

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