

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-53899-2021

Date of decision: - 27.05.2022

Satnam Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Hoshiar Singh, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.229 dated 21.08.2021, under Sections 452, 324, 323, 148 and 149 IPC (Section 326 IPC has been added later on), registered at Police Station Sadar Fazilka, District Fazilka.

On 22.12.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.229 dated 21.08.2021, registered under Sections 452, 324, 323, 148 and 149 IPC (Section 326 IPC added later on) at Police Station Sadar Fazilka, District Fazilka.

The allegation against the present petitioner is that he along

with his co-accused forcibly entered in the house of the complainant and gave a kapa blow on fingers of left hand of the complainant.

It is contended that the present petitioner has been falsely implicated in the instant FIR on the basis of manipulated story in connivance with police and due to political vendetta as there is a delay of three days in the registration of the same and moreover, there is no eye witness of the said occurrence.

Notice of motion for 16.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the petitioner 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;*
- (iii) that the petitioner shall not leave India without the previous permission of the Court.*

22.12.2021

**(SANT PARKASH)
JUDGE”**

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions ASI Kaul Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 22.12.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 22.12.2021 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

May 27, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No