

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54775-2021

Date of decision : 28.03.2022

Tarun Monga @ Tarun Pilot

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manu Loona, Advocate for
Mr.P.K.Bansal, Advocate
for the petitioner.

Mr.Harpreet S.Multani, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.59 dated 25.06.2018 registered under Sections 307, 324, 323, 341, 148, 149, 427 IPC and Sections 25 and 27 of the Arms Act at Police Station Cantt. Ferozepur, District Ferozepur.

On 17.01.2022, this Court was pleased to pass the following order:-

"CRM-1438-2022

Present application has been filed for placing on record the copy of rapat as Annexure P-7.

In view of the averments made in the present application, the same is allowed. The copy of rapat (Annexure P-7) is taken on record, subject to all just exception.

Registry is directed to tag the said documents at the appropriate place.

CRM-M-54775-2021

Learned counsel for the petitioner, inter alia, contends that in the present case, the petitioner was not even present at the spot

and he has been falsely implicated on account of the fact that the father of the petitioner is the lambardar and sister of the complainant is a member of the cantonment board and on the date of the alleged occurrence, the petitioner was attending the wedding reception function of his relative (son of maternal uncle) at Faridkot and regarding the same, the marriage card (Annexure P-2) as well as the certificate issued by the Chand Marriage Palace (Annexure P-3) and the photographs (Annexure P-4) have been referred to by learned counsel for the petitioner. It is further submitted that since the family members of the petitioner were representatives of the area, thus, the petitioner had made phone calls to the police, which can be verified from the phone numbers and the location of the mobiles. It is further argued that even a perusal of the cross-version, which has been gotten registered by one Mahesh Kumar against the complainant party, would also show that the present petitioner was not present at the spot and even as per the said cross-version, there are seven injured persons. It is further submitted that although, as per the FIR, one injury has been attributed to the petitioner but the same is on the biceps of left arm i.e. non-vital part and a period of 3½ years has elapsed, but no X-ray opinion has been received.

Adjourned to 17.02.2022.

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.

(VIKAS BAHL)
JUDGE

January 17, 2022”

Subsequently, on 17.02.2022, the following order was passed
by this Court:-

“Learned State counsel has pointed out that in the present case the petitioner has joined the investigation, but he is not cooperating with the same.

Petitioner is directed to join the investigation again on 24.02.2022 at 11:00 AM.

Adjourned to 28.03.2022.

Interim order to continue.

(VIKAS BAHL)
JUDGE

February 17, 2022”

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

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

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 17.01.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 17.01.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

March 28, 2022
Davinder Kumar

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