

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(314-1)

CRM-M-51141-2022

Date of decision: - 30.11.2022

Rahul

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, 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.161 dated 30.09.2022, under Sections 323, 452, 148 and 149 IPC, at Police Station City Khanna, District Ludhiana.

On 14.11.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that in the present case, the alleged injuries suffered by Gaurav Mittal and Saurav Mittal are even as per the prosecution case simple in nature. It is further contended that when the incident was first mentioned, it was not stated that the petitioner was carrying any weapon and it is only subsequently, in the supplementary statement recorded on 30.09.2022, that it had been stated that the petitioner, along with other persons, was carrying the iron rod and soties. It is also contended that the petitioner, in order to show his bona fide, is ready to pay an amount of Rs.25,000 /-

(Rs.12,500/- each to the injured i.e., Gaurav Mittal and Saurav Mittal), without admitting his liability.

Notice of motion for 30.11.2022.

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 two demand drafts of Rs.12,500/- each in the name of injured i.e., Gaurav Mittal and Saurav Mittal and is also directed to give the same to the Investigating Officer within a period of 10 weeks from today, who shall further hand over the same to the said persons. It is made clear that in case, the demand drafts of Rs.12,500/- each are not given to the Investigating Officer prepared in the name of injured i.e., Gaurav Mittal and Saurav Mittal 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.25,000/- would not be construed as an admission of guilt by the petitioner.

To be heard along with CRM-M-49901-2022.

(VIKAS BAHL)
JUDGE

November 14, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, two demand drafts of Rs.12,500/- each in the name of injured i.e., Gaurav Mittal and Saurav Mittal have been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from the ASI Jagtar Singh, has submitted that the said demand drafts given by the petitioner

has been received by the investigating officer and the petitioner has joined investigation and is not required for further investigation

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 14.11.2022 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 14.11.2022 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.

November 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No