

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(206)

CRM-M-52032-2022

Date of decision:- 01.12.2022

Mandeep

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Fatehjeet Singh, 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.215 dated 20.08.2022, under Sections 353 and 186 IPC (Sections 323 and 325 have been added later on), at Police Station Division No.8, Jalandhar, District Commissionerate Jalandhar.

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

“Learned counsel for the petitioner inter alia contends that in the present case there was a stampede, on account of which, the injuries were caused to the complainant-ASI Nirmal Singh and in the said process, even the present petitioner had also suffered injuries. It is further submitted that FIR has been registered because of the altercation that had taken place between father of the petitioner and police. It is contended that the petitioner in order to show his bona fide, is ready to pay an amount of Rs.30,000/- to the complainant-ASI

Nirmal Singh for meeting his medical expenses within a period of two weeks from today, without admitting his liability.

Notice of motion for 01.12.2022.

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 demand draft of Rs.30,000/- in the name of complainant-ASI Nirmal Singh and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the complainant-ASI Nirmal Singh after getting receipt from him

It is made clear that in case, the demand draft of Rs.30,000/- 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 amount of Rs.30,000/- would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE

14.11.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, a demand draft of Rs.30,000/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Faqir Singh, has submitted that the said demand draft 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.

December 01, 2022

naresh.k/sunena

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No