

217-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-52701-2022 (O&M)

Date of decision : 29.11.2022

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab & anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.B.S. Goraya, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Sandeep Lather, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-45676-2022

This is an application filed under Section 482 of Cr.P.C. for impleadment of complainant as respondent No.2 in the present case

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and complainant is impleaded as party respondent No.2 in the present case.

Amended memo of parties is taken on record, subject to all just exceptions.

CRM-45675-2022

Application is allowed, as prayed for. Reply filed by respondent No.2 is taken on record.

Main case

Prayer in the present petition is for grant of anticipatory bail

to the petitioner in FIR No.79 dated 30.09.2022 registered under Sections 452, 323, 506, 148, 149 of the Indian Penal Code, 1860 (Sections 25, 54, 59 of the Arms Act have been added later on) at Police Station Sadar Rupnagar, District Rupnagar, Punjab.

On 16.11.2022, this Court had passed the following order:-

“Inter alia, contends that in the present case, one injury has been attributed to the present petitioner with tangdi on the back of the complainant and the said injury has been declared to be simple in nature. It is further submitted that there is a delay of 2 days in registration of the FIR, inasmuch as, the alleged incident had taken place on 28.09.2022, whereas, the FIR has been registered on 30.09.2022. It is contended that the petitioner is not involved in any other criminal case. It is further contended that the petitioner in order to show his bona fide, is ready to give an amount of Rs.25,000/- to the complainant without admitting his liability.

Notice of motion for 29.11.2022.

To be heard along with CRM-M-51592-2022.

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.25,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of 10 days from today, who shall further

handover the same to the complainant after getting receipt from her.

It is made clear that in case, the demand draft of Rs.25,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of 10 days 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.25,000/- would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 16.11.2022, the petitioner has joined the investigation. It is further submitted that cash amounting to Rs.25,000/- instead of demand draft of the said amount has also been given by the petitioner to the Investigating Officer.

Learned counsel for the State, on instructions from ASI Jaswinder Singh, has submitted that the petitioner has joined the investigation. It is further submitted that today ASI Jaswinder Singh-Investigating Officer of the case, has brought the said cash amounting to Rs.25,000/- in the Court and has handed over the same to the learned counsel for the complainant.

Learned counsel for respondent No.2 has submitted that he has received the said cash amounting to Rs.25,000/- and he has handed over the same to the complainant who is stated to be present in the Court.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated

16.11.2022 and also the fact that the petitioner has joined the investigation and also the fact that the complainant has received the cash amounting to Rs.25,000/- today in the Court, the present petition is allowed and the interim order dated 16.11.2022 is ordered to be made absolute.

However, 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 application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

29.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No