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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15847-2023 (O&M)

Date of decision : 18.08.2023

Ashok Kumar Bhorla

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.D. Rattewal, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.231 dated 03.11.2021 under Sections 452, 323, 354, 427, 506, 148 and 149 of Indian Penal Code, 1860 registered at Police Station Tibba, District Ludhiana.

2. On 28.03.2023 the following order was passed :

“The present petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.231, dated 03.11.2021, under Sections 452, 323, 354, 427, 506, 148 and 149 of IPC, registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner submits that the

petitioner has continuously participated in the investigation and the out of the two injuries attributed to him, one is simple and qua the other, it was kept under observation and despite passage of 1½ years, the prosecution has not been able to seek the report of the x-ray and the Orthopedics Department.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, assisted by ASI Kulwinder Singh, accepts notice on behalf of the respondent-State. Mr. Tarundeep Kumar, Advocate, has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

Learned State counsel as well as counsel for the complainant have opposed the present petition on the ground that it is only after 1 ½ years that now the petitioner has approached this Court and his custody is required.

Having considered the matter and since a simple injury has been attributed to the petitioner and no report has been received qua the second injury, in the interest of justice, the petitioner is directed to join investigation on 10.04.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 14.08.2023.”

to the said order, the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from ASI Baljeet Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now. Learned counsel has further pointed out that the challan in the present case is ready and would be presented shortly.

5. In view of the above, the order dated 28.03.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

18.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO