

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-17392-2023

Date of decision: 05.07.2023

Amit Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Bains, Advocate for
Mr. Stephan Masih, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Vikram Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.470 dated 23.11.2022 under Sections 323, 341, 452 and 506 of the IPC registered at Police Station Zirakpur, District SAS Nagar (Mohali).

2. Vide order dated 12.04.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that all the offences are triable by Magistrate. He submits that the occurrence in question took place between the petitioner and the complainant who admittedly are neighbours over a trivial dispute and the injuries attributed to the petitioner are simple in nature. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 12.04.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Ravinder Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. Learned counsel for the complainant has, however, opposed the prayer made by the counsel opposite for grant of anticipatory bail to the petitioner by urging that the petitioner had inflicted an injury on the head of the complainant.

6. On a pointed query put to the learned State counsel qua the nature of the injury inflicted on the head of the complainant, he on instructions, submits that it was opined to be simple in nature.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the facts and circumstances of the case particularly when the petitioner is not required for his custodial interrogation, the petition is allowed and interim order dated 12.04.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

05.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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