

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101+207

CRM-M-21612-2022 (O&M)

Date of decision: 22.02.2023

RAJ KUMAR @ FAME

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.437 dated 09.12.2021, under Sections 323, 324, 325, 326, 34 of the Indian Penal Code, 1860 (Section 307 of IPC added later on) registered at Police Station Sohana District Mohali.

Learned counsel for the petitioner submits that in pursuance of order dated 08.12.2022, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Short reply has been filed by learned State counsel. Same is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner.

He makes a reference to Para 5 of the reply, which reads thus:-

That on the careful perusal of the CCTV Footage containing in pen drive (Annexure P-2), it has come to light that the complainant had wrongly asserted stab injury with knife on his back to the present petitioner, whereas CCTV

Footage shows that the same had been inflicted by the aforementioned Amber Gupta @ Anchal. The CCTV Footage further revealed that the present petitioner inflicted injury on the head of the complainant with the mirror, which is injury No.2 as per the MLR of the complainant. The police have taken opinion from the concerned Doctor regarding nature of injuries on the person of the complainant and the aforesaid injury No.2 has been declared as simple in nature by the concerned doctor.

Learned State counsel on instructions from ASI Bhagat affirms the factum of joining the investigation by the petitioner on 12.12.2023 and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 08.12.2022 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

February 22, 2023
M.Kamra

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