

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

215-a

CRM-M-22502-2023

Date of decision: 24.08.2023

Davinder Singh @ Harsha

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Gupta, Advocate, for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 09.05.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case of FIR No.206 dated 29.12.2020, registered under Sections 323, 324, 506, 148, 149 IPC (Sections 326 and 379-B IPC added later on) at Police Station Bhikhiwind, District Tarn Taran.

Learned counsel contends that as alleged the petitioner has inflicted an injury on the right side of the chest of the complainant with a baseball bat, which was simple in nature. Insofar as the 2nd occurrence is concerned, there is no specific allegation against him with regard to the incident. Wherein the allegations are of having snatched the mobile phone of the brother of the complainant along with Rs.15,000/- in cash from the hospital when he had gone to get the meals for the complainant.

Notice of motion.

Learned State counsel on the other hand submits that there is a CCTV footage as per which the petitioner was a part of the 2nd incident as well.

Learned counsel on instructions from the petitioner submits that he is ready to compensate the complainant by making a payment of Rs.10,000/-. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

The petitioner is directed to join the investigation on or before 16.05.2023. In the event of his arrest, he shall be released

--2--

on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 06.07.2023.”

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but 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.

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

4. 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 09.05.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

24.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No