

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

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**CRM-M-24505-2023 (O&M)
Date of decision: 24.07.2023**

Jaffar Ali

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Damanjeet Bhoriwal, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 15.05.2023, this Court had passed the following order:-

“The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.133, dated 03.06.2022, under Sections 341, 324, 323, 427, 148, 149 of the IPC, 1860 (Section 326 of IPC, 1860 added later on), registered at Police Station Canal Colony, Bathinda, District Bathinda.

Learned counsel for the petitioner contends that the injury attributed to the petitioner is with kirpan on the left hand of the complainant namely Sujal. He further contends that injuries on the non-vital part are declared grievous in nature, but not dangerous to life. He has further drawn attention of this Court that there are total 6 injuries out of which 3 are declared grievous in nature, which were given to the complainant with sharp edged weapon, wherein total 7 accused persons are involved in the commissioning of alleged offence.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab, accepts notice on behalf of respondent-State, who on instructions from ASI Iqbal Singh submits that recovery of weapon is to be effected and the injury attributed to petitioner

is grievous in nature, as per the medical report. He further asserts that the petitioner being a member of the unlawful assembly in a group of 7 persons attacked the complainant and, therefore, does not deserve the concession of anticipatory bail.

Looking into the totality of facts that the petitioner is not an habitual offender, who is alleged to have given injury with kirpan i.e., only on the left hand of the complainant and the same is not dangerous to life, whereas other co-accused persons have given multiple injuries on the body of the complainant. Apart from considering the fact that the joining of the petitioner in the investigation will only help the Investigating Agency to reach to a logical conclusion and prepare the final report whatsoever.

In the light of the above discussions made hereinabove, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 24.07.2023.”

2. Learned counsel 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 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 15.05.2023 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

24.07.2023
S.Sharma(syr)

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