

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

207

CRM-M-30373-2022

Date of Decision: 20.01.2023

Shiv Narain Bhadoo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ashok Kumar Khunger, Advocate for the petitioner
Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Balwinder Singh)

JAGMOHAN BANSAL, J. (Oral)

On 18.07.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0066 dated 02.06.2022, registered for offences under Sections 354, 323 and 34 of the Indian Penal Code, 1860, at Police Station Khuian Sarwar, District Fazilka.

Counsel for the petitioner submits that the petitioner, who is 75 years of age, has remained Sarpanch for more than four decades. He submits that FIR has been registered by his domestic helper on the allegation that the petitioner gave her and her husband stick blows. Counsel submits that allegation regarding outraging modesty of the complainant has been levelled upon the co-accused, Sahib Ram.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Upon instructions from ASI, Kundan Lal, he submits that 6 injuries have been inflicted upon the complainant, which have been declared to be simple, and out of 3 injuries inflicted on her husband, 2 have been declared simple, and third has been referred for x-ray opinion.

List on 12.10.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Balwinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 18.07.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>