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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31588-2023 (O&M)

Date of decision: November 15, 2023

Dev alias Dev Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C., in case FIR No.127 dated 21.09.2022, under Sections 323, 324, 341, 148 and 149 of the Indian Penal Code, 1860 (Section 326 of IPC added later on), registered at Police Station Nurpurbedi, District Rupnagar.

2. On the last date of hearing, i.e., on 20.07.2023, while noticing the following submissions made by the learned State counsel, this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned State counsel has not disputed that when the petitioner was discharged from the hospital on 19.09.2022 there was no opinion on record qua the nature of the injury sustained by the complainant much less of it being grievous in nature. He has conceded that it was after 05 months of the alleged occurrence opinion was obtained wherein for the first time the doctor opined the injury attributed to the petitioner to be grievous in nature.”

3. Learned counsel for the petitioner submits that in compliance of order dated 20.07.2023, the petitioner has joined investigation and cooperated with the investigating agency.

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

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5. In view of the above, the petition is allowed and interim order dated 20.07.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

November 15, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No