

S. No.209

2023:PHHC:128284

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34994 of 2023

Date of Decision:04.10.2023

Suresh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Dr. Sumati Jund, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

On 21.07.2023, the following order was passed by this Court:-

“Prayer in this petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.76, dated 28.05.2023, registered at Police Station Division No.7, District Police Commissionerate Jalandhar, under Sections 323, 324 and 326 of IPC.

Petitioner is the son-in-law of the complainant Smt. Sunita. Allegations are that on 26.04.2023, petitioner gave two datar blows on the legs of the complainant, causing grievous injuries to her.

It is contended by learned counsel for the petitioner that name of the petitioner is Suresh, but FIR has been lodged in the name of Rajesh. Learned counsel for the petitioner has pointed out that though the alleged occurrence took place on 26.04.2023, but the FIR has been lodged on 28.05.2023, i.e. after a delay of more than one month. Not only this, as per the FIR, the occurrence was also witnessed by the nephew of the complainant i.e. Rajesh S/o Raj Kumar, but still the complainant was not taken to the hospital by him.

To the pointed query put to learned counsel for the petitioner, she stated that as per the instructions given to him, petitioner is not known by the alias name of Rajesh.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Learned State counsel opposes the bail petition on the ground that grievous injuries with sharp edged weapon were caused. He further submits that delay in FIR is there because of the efforts for compromise.

A perusal of the FIR does not reveal any reason for long delay of more than one month.

Adjourned to 04.10.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

It is informed by learned State Counsel, on instructions from ASI Jagtar Singh, that in compliance of the order dated 21.07.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 21.07.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 04, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No