

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

CRM-M-38759-2022

Date of Decision:-20.07.2023

Mahinder Singh @ Maninder Singh @ Prince.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, DAG Punjab.

Mr. C.S. Rana, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer under Section 438 Cr.PC is for grant of anticipatory bail in case bearing FIR No.145 dated 24.07.2022 under Sections 323, 324, 451, 506 IPC (Section 326 IPC added later on) at Police Station Tibba, Ludhiana.

On 23.03.2023 the following order was passed:-

“ Learned State counsel, on instructions, submits that though in compliance with order dated 30.08.2022 passed by this Court, the petitioner has joined the investigation but the complainant has given the complaint to the Investigating Officer that the petitioner is threatening him with dire consequences.

The petitioner is again directed to comply with order dated 30.08.2022 and appear before the Investigating Officer within 10 days from today and on his appearance, the petitioner will furnish undertaking before the Investigating Officer that he

will not extend any threat to the complainant.

Adjourned to 20.07.2023.

Interim order to continue.

It is, however, made clear that in case the petitioner give any threat to the complainant in future, the complainant is at liberty to file an application for cancellation of interim anticipatory bail granted to the petitioner.”

The Counsel for the petitioner contends that the petitioner has joined investigation in compliance of the aforementioned order. He has also furnished an undertaking before the IO that he shall not extend any threat to the complainant. The said fact has been admitted to be correct by the counsel for the State. In addition he states that as per their record no truth has been found in the complaint made by the complainant but the inquiry in that regard is still pending.

On the other hand the counsel for the complainant contends that as grievous injuries have been caused to the injured, the petitioner is not entitle to the concession of anticipatory bail.

I have heard learned counsel for the parties.

Admittedly, initially the FIR was registered under Sections 323, 324 IPC. The petitioner had joined investigation at that stage as well. Subsequently, Section 326 IPC came to be added and the recovery of the alleged weapon of offence has already been effected from the petitioner.

In view of the above, at this stage no case for custodial interrogation is made out.

Accordingly, interim order dated 30.08.2022 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as

envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 20, 2023
Vinay

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