

CRM-M-55843-2022

2023:PHHC:044629

--1--

215-a IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55843-2022

DATE OF DECISION:-27.03.2023

Rajwinder Singh @ Raji

...Petitioner.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Amit Kumar Saini, Advocate,
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner, in case FIR No.148 dated 08.11.2022, under Sections 323, 324, 452, 506 and 34 IPC, registered at Police Station Koom Kalan, District Ludhiana.

On 02.12.2022, this Court passed the following order:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.148 dated 08.11.2022, registered under Sections 323, 324, 452, 506 and 34 IPC, at Police Station Koom Kalan, District Ludhiana.

Learned counsel for the petitioner submits that the alleged occurrence took place on 05.11.2022 and the FIR was registered on 08.11.2022 i.e. after a delay of about three days; that the petitioner was not present at the spot; that it was the complainant who had scuffled with the mother of the co-accused and that, though, the allegations against the petitioner and other

co-accused are that they have given stick blows on the back and other body parts of the complainant, yet as per the MLR, there was no injury on the back of the complainant. He further submits that, as per the medical record of the complainant, he was under the influence of liquor at the time of the occurrence.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 27.03.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police..”

Learned State counsel, on instructions from ASI Major Singh, submits that in compliance of aforesaid order dated 02.12.2022, petitioner has joined the investigation and is no more required for further interrogation.

Having considered the aforesaid facts and circumstances of the case, the petition is allowed. Order dated 02.12.2022 passed by this Court is hereby made absolute.

27.03.2023

sonika

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No