

**CRM-M-35102-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.288****Case No. : CRM-M-35102-2024****Decided On : November 11, 2024**

Vishal @ Vishal Kumar Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. R. S. Bhatta, DAG, Punjab.

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GURBIR SINGH, J. :

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0074 dated 07.06.2024 (Annexure P-1), under Sections 324, 323, 341, 148, 149 IPC (Section 326 IPC was added later on), registered at Police Station Civil Lines, District Bathinda.

2. Shorn of unnecessary details, case of the prosecution is that the present FIR was registered on the basis of statement made by one Anish Kumar, stating therein that on 02.06.2024 at about 09:30 PM, Arjun @ Chhoti, Kuldeep, Aman Chadda, Vishal @ Goli, Vishal (present petitioner), along with some other unknown persons, encircled him and caused grievous injuries on his person.



3. Learned counsel for the petitioner states that there is inordinate delay of five days in registering the case, meaning thereby that the same is an after-thought. The alleged grievous injuries were caused by Arjun @ Chhoti and Kuldeep. No role is attributed to the petitioner but maximum number of persons have been implicated to take revenge of a previous grudge.

3. On the last date of hearing i.e. 24.07.2024, while issuing notice of motion, the petitioner was granted interim bail and was directed to join investigation, as per conditions envisaged under Section 438(2) Cr.P.C.

4. Status Report, by way of affidavit of Sarvjeet Singh Brar, PPS, Deputy Superintendent of Police, City-2, Bathinda, on behalf of respondent-State has been filed in Court today, which is ordered to be taken on record. Learned State counsel, while referring to the Status Report, has submitted that pursuant to order dated 24.07.2024, passed by this Court, the petitioner has joined investigation. However, he has fairly submitted that the petitioner did not appear before the learned Trial Court on the date fixed i.e. 29.10.2024 and non-bailable warrant was issued against him for the next date of hearing i.e. 12.11.2024.

5. The petitioner was granted interim bail on 24.07.2024. He joined investigation and thereafter, Challan was filed in the Court in absence of the petitioner. As per orders dated 10.09.2024, passed by learned Trial Court, petitioner is stated to be on bail and notice was issued to the petitioner. The learned Trial Court was required to assign process against the petitioner to

the Investigating Officer since Challan was presented in his absence. Simply issuance of non-bailable warrant against the petitioner, when he is on interim bail, is insignificant.

6. A bare perusal of the record reveals that neither any specific role nor any injury has been attributed to the petitioner. Challan has been presented and petitioner has also joined investigation. Therefore, the present petition is allowed and interim order dated 24.07.2024 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C. The petitioner is directed to surrender before the learned Trial Court within 10 days and he shall be admitted to bail.

7. Pending applications, if any, shall stand disposed of along with this judgment.

November 11, 2024

(GURBIR SINGH)
JUDGE

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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.