



CRM-M-36659 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36659 of 2024
DECIDED ON: 19.11.2024

VISHAL SINGH ALIAS KALA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Gagandeep Singh, Advocate for
Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.98 dated 18.05.2024, registered under Sections 326, 324, 323, 341, 148, 149 of the Indian Penal Code, 1860 at Police Station Islamabad, District Police Commissionerate Amritsar.

2. On 01.08.2024, the following order was passed by a Coordinate Bench of this Court:-

“This petition has been filed under Section 438 of Cr.P.C for the grant of anticipatory bail to the petitioner in case bearing FIR No.98 dated 18.05.2024 under Sections 326, 324, 323, 341, 148, 149 IPC registered at Police Station Islamabad, District Police Commissionerate Amritsar.

Learned counsel for the petitioner inter-alia submits that the petitioner was not armed with any weapon but as per allegations he gave blow with his armlet (kada)



on the head of the complainant. It is further submitted that learned Additional Sessions Judge granted interim bail but due to miscommunication, the petitioner could not join the investigation and the application for anticipatory bail was dismissed.

Notice of motion for 19.11.2024.

Mr. Kapil Khanna, Advocate appears and accepts notice on behalf of the complainant. He has filed his Vakalatnama and the same is taken on record. He further submits that injury on the head of the complainant is attributed to the petitioner with armlet.

Mr. Rajinder Singh Bhatta, DAG, Punjab appears and accepts notice on behalf of the respondent-State. He seeks some time to file status report. A copy of the paper book be supplied to him during the course of the day. On the instructions of ASI- Kongraj fairly admits that grievous injury on the head of the complainant is attributed to the accused Tarsem Singh @ Bau Chatra who had been arrested so he is not entitled for concession of anticipatory bail.

In the meantime, the petitioner is directed to join the investigation as and when called by SHO/Investigating Officer subject to payment of costs of Rs.5000/- to be deposited with the Punjab & Haryana High Court Lawyers Welfare Fund and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required:*
- (ii) (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise*



to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) (iii) that the petitioner shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

4. Learned counsel for the petitioner submits that in compliance of the order dated 01.08.202, the petitioner has joined investigation.
5. Learned counsel representing the State of Punjab, on instructions from ASI Ashok Kumar, who is present in the Court submits that in compliance of the order dated 01.08.2024, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the statement given by learned counsel representing the State of Punjab, the present petition is allowed. The order dated 01.08.2024 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

November 19, 2024
Rekha

(VIKRAM AGGARWAL)
JUDGE

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