

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

CRM-M-4840-2018 (O&M)

Date of decision: 14.03.2018

Surjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.11, dated 16.01.2018, under Sections 353/186/506/342/34 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Sangat, District Bathinda.

While issuing notice of motion, the following order was passed by this Court on 06.02.2018:

“Petitioner seeks concession of pre-arrest bail in case FIR No.11 dated 16.01.2018, under Sections 353/186/506/342/34 of IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Sangat, District Bathinda.

FIR has been registered on the statement of Dr. Sarabjit Singh, SMO, Civil Hospital, Sangat Mandi.

Allegations pertain to 16.01.2018 and the complainant has asserted that the present petitioner along with certain others had used bad words and had even scuffled with the complainant and thereby having created a hurdle in performance of public duties.

Counsel would inter alia contend that it is a case of false

implication inasmuch as earlier in point of time FIR No.261 dated 05.11.2017 had been registered at Police Station Sangat under Sections 419, 465 and 471 IPC at the instance of the same very complainant i.e. Dr. Sarabjit Singh and in which the petitioner was nominated as an accused. Counsel has adverted to the order dated 14.12.2017 passed by this Court in CRM No.M-47662 of 2017 Surjeet Singh Vs. State of Punjab and in which interim protection as regards arrest was granted to the petitioner subject to his joining investigation. It is argued that the present FIR has been got registered with the oblique motive of denying to the petitioner the benefit of order dated 14.12.2017 passed by this Court in CRM No.M-47662 of 2017.

Notice of motion, returnable for 14.03.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from HC Jaswinder Singh apprises the Court that the petitioner has since joined investigation and is cooperating in the matter. Custodial interrogation of the petitioner, as such, would not be warranted.

Prayer made in the instant petition is accepted.

Order dated 06.02.2018 passed by this Court is made absolute.

Disposed of.

14.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |