

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17971 of 2020

Date of Decision : 14.08.2020

Harwinder Singh @ Binder

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

Harsimran Singh Sethi, J. (Oral)

Status report filed by Mr. Harleen Singh, Deputy

Superintendent of Police is taken on record.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 09.07.2020.

Learned State counsel on instructions from ASI Surinder Singh, coupled with averments made in the status report states that the petitioner has already joined the investigation and is also cooperating in the same. Learned State counsel concedes that as per the status report, the petitioner has only conspired and there is no allegation against the petitioner of causing actual injuries suffered by the victim on the date of incident.

Interim order dated 09.07.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.35 dated 17.02.2020 under Sections 307, 506, 148, 149 IPC and Sections 25 and 54 of Arms Act , 1959 registered at Police Station City Nawanshahr, District S.B.S Nagar.

Learned counsel for the petitioner states that the petitioner was not named in the FIR and no role has been attributed to him in the FIR. Learned counsel for the petitioner further states that the gun shot, which hit the victim, was fired by Mandeep Singh Manna and, therefore, no injury has been attributed to the petitioner and the petitioner has only been roped in on the basis of belated supplementary statement of the complainant. Learned counsel for the petitioner argues that similarly situated co-accused namely, Navdeep Kumar has already been granted concession of anticipatory bail by this Court on 29.05.2020 while passing order in CRM-M-12331 of 2020 and, therefore, the petitioner be also granted the same benefit.

Notice of motion for 11.08.2020.

Mr. Suveer Sheokhand, Addl. A.G. Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel on instructions from ASI, Surender Singh states that though, the name of the petitioner was not mentioned in the FIR but, keeping in view the investigation, the petitioner has been arraigned as an accused in the above mentioned FIR. Learned State counsel very fairly

concedes that similarly situated co-accused namely, Navdeep Kumar has already been granted interim bail by this Court.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, a similarly situated co-accused namely, Navdeep Kumar has already been granted benefit of anticipatory bail and nothing has been pointed out by the learned State counsel, which differentiate the case of the petitioner from that of Navdeep Kumar, the petitioner has made out a case for grant of interim bail.

Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police

officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

To be heard with CRM-M-12331 of 2020.”

In view of the above, the order dated 09.07.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

Present petition stands disposed of.

August 14, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No