

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

201

**CRM-M-19058-2020
Date of decision: 26.10.2020**

Gagandeep Singh @ Gagan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Divjyot S. Sandhu, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.20 dated 20.01.2020 registered under Sections 307, 323, 341, 506, 148, 149 and 201 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station City Kpuarthala, District Kapurthala.

This Court, vide order dated 23.07.2020, had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Surinder Singh, PPS, Deputy Superintendent of Police, Sub Division Kapurthala, District Kapurthala.

Learned State counsel has also filed copy of medical opinion through e-mail print out of which is taken on record.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. All the injuries sustained by Raj Kumar are with blunt weapons and are simple in nature. No specific injury has been attributed to the petitioner. As per medical opinion, none of the injuries is dangerous to life. Therefore, offence under Section 307 of the IPC is not made out against the petitioner. In compliance with order dated 23.07.2020, the petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from the investigating officer, acknowledged that in compliance with order dated 23.07.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 23.07.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

26.10.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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