

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

204

**CRM-M-30661-2020
Date of decision : 03.12.2020**

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. AG, 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 this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.11 dated 28.01.2020 registered under Sections 307, 452, 506, 148 read with Section 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sarai Amanat Khan, District Tarn Taran.

Vide order dated 27.10.2020, this Court 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 short reply filed by way of affidavit of Sh. Sucha Singh, PPS, Deputy Superintendent of Police, District Tarn Taran in the Registry which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner, who is aged more than 18 years, has been falsely implicated in the case. As per the allegations made in the FIR, the petitioner was armed with baseball bat and raised lalkara that they will teach injured Gagandeep Singh, Manpreet Singh and Lovepreet Singh a lesson. Injuries attracting Section 307 of the IPC are attributed to co-accused Raju and Shamsher Singh. In compliance with order dated 27.10.2020, the petitioner has joined the investigation.

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. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Mukhtiar Singh, acknowledged that in compliance with order dated 27.10.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses 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.

In view of the above, the petition is allowed and order dated 27.10.2020 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.

03.12.2020

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(ARUN KUMAR TYAGI)
JUDGE

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