

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

101+201

**CRM-5922-2020 in/and
CRM-M-39815-2019
Date of decision: 17.02.2020**

Kulwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bhupinder Ghai, Advocate
for the non-applicant/petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for the respondent.

Mr. Balbir Singh Jaswal, Advocate
for the applicant/complainant.

ARUN KUMAR TYAGI, J (ORAL)

CRM-5922-2020

Prayer in this application is for placing on record enquiry report dated 25.11.2019 as **Annexure R2/1**.

The application is allowed and enquiry report dated 25.11.2019 is taken on record as **Annexure R2/1**.

CRM-M-39815-2019

The petitioner has filed this 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.54 dated 24.02.2019 registered under Sections 452, 326, 323, 324, 427, 382, 148 and 149 of the Indian Penal Code, 1860 at Police Station Jandiala Guru, District Amritsar.

While issuing notice of motion on 18.09.2019, a Coordinate Bench of this Court had granted the interim anticipatory

bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and Mr. Balbir Singh Jaswal, Advocate has appeared on behalf of the complainant and opposed the bail application.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case. There was undue and unexplained delay of three days in lodging the FIR. This time has been utilised by the complainant for concocting the story against the petitioner and the others. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel and learned counsel for the complainant have submitted that in view of the accusation against the petitioner and the fact that the grievous injury caused with sharp edged weapon is attributed to the petitioner, the petitioner does not deserve the concession of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel, on instructions from investigating officer, has acknowledged that in compliance with order dated 18.09.2019 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and admitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature

of accusation and evidence against the petitioner, the fact that investigation and trial are likely to take long time and also 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 concession of anticipatory bail.

Therefore, the petition is allowed and order dated 18.09.2019 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.

17.02.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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