

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47934-2019

DATE OF DECISION: JANUARY 13, 2020

ARSHDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMIT ARORA, ADVOCATE
FOR THE PETITIONER.

MR. PRABHJOT SINGH WALIA, AAG, PUNJAB.

MR. A.K. KHUNGER, ADVOCATE
FOR THE COMPLAINANT.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.129 dated 24.6.2016 under Sections 323, 324, 326 452, 148, 149, 427 of Indian Penal Code, 1860 Police Station Jandiala, District Amritsar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 13.11.2019 whereby while issuing notice of motion to the respondent-State, interim protection was extended to the petitioner. The said order reads as under:-

“The petitioner is seeking anticipatory bail in FIR No.129 dated 24.06.2016, under Sections 323, 324, 452, 148, 149 and 427 of the Indian Penal Code, 1860 ('IPC' - for short) (Section 326 IPC added later on vide rapat No. 21 dated

25.06.2018), registered at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioner contends that there is a delay of four days in registering the FIR and the offence under Section 326 IPC was added after two years. The allegations against the petitioner are that he has caused an injury on the right leg of the complainant, but there is no fracture of the leg. He also contends that it is a case of version and cross version. He also contends that the father of the petitioner had expired and the complainant, who is his uncle, wanted to take possession of his property. The petitioner is residing with his grandfather, namely, Balwinder Singh, who is also a co-accused in this case. He also contends that the petitioner is 23 years of age and he is not involved in any other case.

Issue notice to the respondent returnable on 06.12.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Victor does not

dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Victor further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.11.2019 is made absolute.

January 13, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

