

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M- 55365 of 2019 (O&M)

Date of decision : 28.2.2020

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Amarjit Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. G.K. Mann, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Deputy Advocate General,
Punjab.

Mr. G.S. Gill, Advocate for
Mr. S.P.S. Khaira, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

It is contended by learned counsel for the petitioner that there is counter version of the incident in which the present petitioner has received head injury. It is further stated that initially the FIR had been registered for bailable offences and subsequently after a period of six months, offence under Section 326 IPC has been added necessitating the filing of present petition and the petitioner had been granted bail by the local police. Since the petitioner has joined the investigation and no recovery has to be effected from him and he has

not misused the concession of bail, therefore, he be granted pre-arrest bail under Section 326 IPC also.

Learned counsel appearing for the complainant is opposing the bail application. Learned State counsel, on instructions from ASI Jagdeep Singh, states that since the petitioner has joined the investigation, his custodial interrogation is not required.

Though the petitioner is stated to be involved in several other criminal cases, but considering the facts and circumstances of the case that he has been on bail in the case in question and offence under Section 326 IPC has been added later on; he is not shown to have misused the concession of bail and in view of the statement made by learned State counsel that his custodial interrogation is not required, the petition deserved to be accepted.

Therefore, the interim bail granted to the petitioner vide order dated 23.12.2019 is made absolute, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition in that way is allowed.

28.2.2020
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(H.S. Madaan)
Judge

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