

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202-A)

CRM No. M-5415 of 2020
Date of Decision : 13.08.2021

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gobind Singh Randhawa, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 0005 dated 07.01.2020, registered under Sections 323, 324, 148 and 149 IPC (Section 326 IPC, added later on) at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 07.02.2020. Order dated 07.02.2020 is as under:-

“Through this petition under Section 438 Cr.P.C., petitioners, namely; Harminster Singh @ Harry and Sukhwinder Singh (in CRM-M Nos. 5409 and 5415-2020, respectively) have prayed for grant of pre-arrest bail in case

FIR No. 0005 dated 07.01.2020, registered under Sections 323, 324, 148 and 149 IPC (Section 326 IPC, added later on) at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

According to prosecution, on 14.11.2019, petitioners along with one Bhupinder Singh and their accomplice armed with deadly weapons, attacked the complainant, his mother and others when they came to rescue them. Motive behind the occurrence was demolition of a drain by the complainant party.

Learned counsel for the petitioners inter alia contends that complainant got his statement recorded after 5 days of the alleged occurrence. Aforesaid FIR was lodged after delay of 50 days, thereafter, on the basis of concocted and false version. In all there is an inordinate delay of 55 days in lodging the FIR. Even injury attributed to Harminster Singh @ Harry (in CRM-5409-2020) on the shoulder of mother of the complainant with datar is proved false from her medico-legal report. Injury attributed to Sukhwinder Singh (petitioner in CRM-M-5415-2020) has been declared simple in nature. Both the petitioners are not required for any custodial interrogation.

Notice of motion for 29.04.2020.

In the meanwhile, petitioners are directed to join investigation as and when called by the Investigating Officer. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Sukhwinder Singh,

states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required. Learned State counsel further submits that the cancellation report has also been submitted before the Competent Court of Law.

In view of the above, the order dated 07.02.2020 granting interim bail to the petitioner is made absolute.

The petition stands disposed of.

August 13, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*