

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(235)

CRM No. M- 7726 of 2021
Date of Decision : 09.12.2021

Kaka @ Akshay and another

...Petitioners

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Dilpreet Singh Gandhi, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 312 dated 13.11.2020, registered under Sections 323, 324, 341, 506, 148, 149 IPC (Sections 307, 325 IPC added lateron) at Police Station Sadar, Amritsar.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 15.09.2021. Order dated 15.09.2021 is as under:-

“Notice of motion was issued on 18.02.2021 and arrest of the petitioner was stayed on the premise that Arun Kumar Bawa gave a brick bat blow on the head of Gurkirat Singh and second brick bat blow was given on his left foot. Gurkirat Singh started bleeding and fell down. Thereafter Paramjit Kaur hit Gurkirat Singh with brick on his back. Sunny hit Gurkirat Singh with brick bat on his head. Rahul attacked Salwinder Singh with brick bat on his forehead. Kaka @ Akshay (petitioner No.1) hit Salwinder Singh with brick bat on his left eye. Sunny again hit Salwinder Singh with brick bat on

his left foot. The injury on the head of Gurkirat Singh was ultimately declared dangerous to life. Only one injury was found on the head of Gurkirat Singh and the same was attributed to two persons namely Arun Kumar Bawa and Sunny i.e. petitioner No.2. Petitioner No.1 is author of simple injury on the person of Salwinder Singh.

In the very nature of observations made by this Court vide order dated 18.02.2021, it would be just and appropriate to direct the petitioners to appear before the SHO/Investigating Officer to join investigation on 23.09.2021 at 11.00 A.M., and in the event of their arrest, they shall be enlarged on interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.

Adjourned to 06.12.2021.”

Learned State counsel on instructions from ASI Sukhdev Singh states that in terms of the order of a Co-ordinate Bench of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

In view of the above, the order dated 15.09.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but

are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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