

CRM-M-12519-2021

Date of decision: 15.09.2021

Ranjit Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

B.S. Walia, J. (Oral)

1. Payer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.26 dated 30.03.2020 registered under Sections 307, 506, 148, 149 of IPC, 1860, to which Sections 324, 325, 188 of IPC were added later on, at Police Station Shahpurkandi, District Pathankot.

2. On 18.03.2021, the following order was passed:-

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.26 dated 30.03.2020 registered under Sections 307, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Shahpurkandi, Tehsil and District Pathankot to which Sections 324, 325 and 188 of the IPC were added lateron.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The case involves version and cross-version. The petitioner was not named in the FIR and has been implicated in statement of the injured Akashdeep made after 48 days from the occurrence. As per the allegations made in statement of injured Akashdeep the petitioner was armed with iron rod and inflicted blow on his left ankle. Injury attracting Section 307 of the IPC is not attributed to the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. H.S. Sullar, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 22.07.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.

3. Today, learned counsel for the petitioner contends while learned State Counsel on instructions from *ASI Kuldeep Raj* confirms that pursuant to the order of this Court dated 18.03.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail besides recovery of iron rod was made from him and that in the circumstances his custodial interrogation is not required.

4. In view of the statement of learned State Counsel, order dated 18.03.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

15.09.2021

'rajesh-jyoti'

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