

CRM-M-16566-2021

Date of Decision: 14.09.2021.

Jaspal Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present: Mr. Lupil Gupta, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.15 dated 11.02.2021, registered under Sections 307, 324, 323 and 34 of IPC and Sections 25 and 27, Arms Act 1959 at Police Station Balianwali, District Bathinda.
3. On 20.04.2021, the following order was passed:-

“Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail in case FIR No.15 dated 11.02.2021, registered under Sections 307/324/323/34 IPC, 1860 and Sections 25, 17 of the Arms Act 1959, at Police Station Balianwali, District Bathinda.

Learned counsel at the very outset states that although the petition under Section 438 Cr.P.C. filed by his brother co accused, Avtar Singh was withdrawn yet the case of the petitioner stands on a different footing besides the other co-accused, Rajinder Singh has been found innocent in the investigation carried out by the police. Learned counsel further contends that all the persons named as accused in the DDR registered by the petitioner except Kulwinder Singh, have moved this Court and been granted pre-arrest bail by this Court vide order dated

09.04.2021 and 16.04.2021 in CRM-M-15774 of 2021 and CRM-M-16670 of 2021 respectively.

Learned counsel contends that as per allegations in the FIR, the petitioner inflicted injury on the forehead, right shoulder and index finger of right hand of Gurpiar Singh, father of complainant-Gurpreet Singh whereas, the petitioner's leg and left arm were fractured in the incident, therefore, it is a moot question as to who was the aggressor. Learned counsel contends that the petitioner is ready and willing to join investigation and fully cooperate with the investigation.

Notice of motion.

Mr.Hittan Nehra, Addl.A.G.Punjab, accepts notice on behalf of the State and requests for time to file reply.

Adjourned to 26.05.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438 (2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Kuldeep Singh* confirms that pursuant to the order of this Court dated 20.04.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail besides, recovery of dang has already been effected from him and that in the circumstances, his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 20.04.2021, 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.
6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

14.09.2021
Rajesh

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