

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

218

**CRM-M-18341-2021
Date of decision: 19.07.2021**

INDERJIT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Verma, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 59 dated 08.03.2021 registered under Sections 341, 323, 324, 506, 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 25 of the Arms Act, 1959 at Police Station Civil Lines, Patiala to which Section 326 of the IPC was added later on.

While issuing notice of motion, the Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned

State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. There was delay of 2 days in registration of FIR. Even as per allegations made in the FIR and statement of the complainant the petitioner was carrying baseball bat and gave blow on his leg and no other injury has been attributed to the petitioner. As per the MLR prepared by Government Hospital there was only one injury caused with sharp edged weapon which is attributed to co-accused Harvinder Singh. As per the MLR of Amar Hospital, Patiala there were five injuries out of which one injury was caused with sharp edged weapon and other injuries were caused with blunt weapon. Injury attributed to the petitioner was declared to be simple. Learned Counsel for the petitioner has further submitted that in compliance with order dated 11.05.2021, the petitioner has joined the investigation and his custodial interrogation is not required.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Darshan Singh, acknowledged that in compliance with order dated 11.05.2021 passed by the Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation

of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 11.05.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

19.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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