

CRM-M-23104-2021 (O&M)

Date of Decision : 23.09.2021

Lovepreet Singh

...Petitioner

Versus

State of Punjab

....Respondent

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

Present : Mr. Vikas Gupta, Advocate for the petitioner.

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. 234 dated 24.12.2016, registered under Sections 324, 323, 148, 149 of IPC to which Sections 326 and 325 IPC were later on at Police Station City Tarn Taran, District Tarn Taran.

3. On 15.06.2021, the following order was passed:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.234 dated 24.12.2016 under Sections 324, 323, 148, 149 of the Indian Penal Code and Sections 326 & 325 IPC (added later on), registered at Police Station Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that co-accused namely Pardeep Singh against whom also the similar allegations have been alleged, has already been granted the benefit of anticipatory bail by this Court while deciding CRM-M-18246-2021. Learned counsel for the petitioner further submits that as the allegations against the petitioner and co-accused are similar in nature therefore, the benefit

of anticipatory bail extended to co-accused Pardeep Singh be also extended to the petitioner.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State does not dispute that the allegations alleged in the FIR against the petitioner and co-accused Pardeep Singh are similar in nature and the allegations against the petitioner are only in respect of inflicting simple injuries and further that co-accused Pardeep Singh has already been granted the benefit of anticipatory bail while deciding CRM-M-18246 of 2021.

Once, it is a conceded position that the allegations against the co-accused and the petitioner are same, then the benefit extended to co-accused cannot be denied to the petitioner unless and until anything differentiating the case of the petitioner with the co-accused Pardeep Singh is pointed out. In the present case, once the respondent-State concedes that the allegations against the petitioner and co-accused are similar in nature, the petitioner is also entitled for the grant of anticipatory bail as extended to co-accused Pardeep Singh.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C. Adjourned to 23.09.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed”.

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Baldeep Singh* confirms that pursuant to the order of this Court dated 15.06.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required besides there is no other material which has come to the notice of the investigating agency requiring the custody of the petitioner in terms of order dated 15.06.2021.

5. In view of the statement of learned State counsel, order dated 15.06.2021, 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

23.09.2021
Manju/rajesh

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>