

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

211-2

CRM-M-22933-2021

Date of decision: 08.07.2021

Amardeep Singh @ Ambi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Amardeep Singh, 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 short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.89 dated 02.05.2021 registered under Sections 452, 380, 323, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station City Tarn Taran, District Tarn Taran.

While issuing notice of motion on 11.06.2021, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"Briefly, as per the allegations of the prosecution on 01.05.2021 at about 07:15 am, the petitioner armed with datar, Deepak Singh @ Deepu armed with baseball bat, Gurjinder Singh armed with Sota and Jatinder Singh armed with dang alongwith 6-7 unidentified persons had inflicted injuries on the person of Om Parkash Nirala-complainant.

The petitioner had inflicted datar blow on the

backside of the head, Deepak Singh @ Deepu had inflicted two baseball bat blows on the head and right arm, Gurjinder Singh inflicted sota blow in the little finger of the left hand and Jatinder Singh inflicted dang blow near the left ankle of the foot and unidentified persons also gave injuries upon him. The petitioner had removed the gold chain and while slipping away the assailants also committed theft of golden chain, ring and DVR.

*It has been contended by the learned counsel for the petitioner that Jatinder Singh-accused has been granted regular bail by the Chief Judicial Magistrate, Gurjinder Singh and Deepak Singh @ Deepu, co-accused have been granted interim bail by the Co-ordinate Bench of this Court vide order dated 08.06.2021 passed in **CRM-M-22523-2021**. The injuries are simple in nature and injured never remained hospitalized and a false case got registered on account of dispute of parking space.*

Notice of motion.

Mr. Sidakmeet S. Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 08.07.2021.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

To be heard alongwith CRM-M-22523-2021."

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, while reiterating submissions made earlier, submitted that in compliance with order dated 11.06.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, 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 Dilbagh Singh, acknowledged that in compliance with order dated 11.06.2021 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the 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 11.06.2021 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.

08.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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