

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

201

CRM-M-22417-2020

Date of decision: 19.02.2021

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. S.S. Salar, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab
for the respondent-State.

Mr. Puneet Pali, Advocate for
Mr. Mohd. Salim, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present (first) 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.122 dated 21.06.2020 registered under Sections 148, 323, 324 and 506 read with Section 149 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Ahmedgarh, District Sangrur to which Section 326 of the IPC was added lateron.

While issuing notice of motion on 11.08.2020, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

"Inter alia submits that the incident took place on 16.6.2020 and information was received by the police on the same day. From the police proceedings, it is evident that five of the accused in the FIR were found admitted in hospital on 17.6.2020, but instead of recording their

statements, the police kept on dithering till 21.6.2020. On the said date, the statement of the other side, i.e. complainant party, was recorded and FIR was registered. Cross-version has not been registered till date and this makes it clear that the petitioner and his co-accused are being falsely implicated.

Notice of motion.

Mr. A.P.S. Gill, DAG, Punjab accepts notice and waives service.

At this stage, Mr. Mohd. Salim, Advocate, puts in appearance on behalf of the complainant and submits that there is evidence on record that the complainant party received grievous injuries.

Learned counsel for the complainant is at liberty to place on record his comprehensive reply.

Adjourned to 4.11.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 25.8.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C."

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

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has, while reiterating the submissions made on 11.08.2020, submitted that in compliance with order dated 11.08.2020, the petitioner has joined the investigation.

On the other hand, learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Rajinder Singh, acknowledged that in compliance with order dated 11.08.2020 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

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 11.08.2020 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.

19.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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