

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-33736-2021 (O&M)
Date of Decision:-27.10.2021

Sarbjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navraj Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Daljit Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide DDR No.18 dated 27.6.2021 in FIR No.93 dated 10.6.2021 at Police Station Mahilpur, District Hoshiarpur under Sections 323, 324 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. At the time of issuance of notice of motion on 19.8.2021, the following order was passed:

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of anticipatory bail in case DDR No.18 dated 27.06.2021 in FIR No.93 dated 10.06.2021 registered under Sections 323 and 324 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Mahilpur, District Hoshiarpur to which Section 326 of the IPC was added lateron.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present DDR registered as a counter-blast to the FIR lodged by him. The petitioner was caused five injuries by the complainant party. False allegations have been made in the DDR. Even as per the allegations made in the DDR, the petitioner was armed with danda and gave danda blow on the back of complainant Lakhwinder Singh. Grievous injury caused with sharp edged weapon on the person of the complainant is not attributed to the petitioner. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 27.10.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him."

3. Learned State counsel, upon instructions from ASI Daljit Kumar, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Apparently it is a case of cross-versions, wherein even the petitioner has sustained as many as 5 injuries. In such circumstances, it will be debatable as to which of the party was the aggressor. The petitioner, in any case, is stated to have joined investigation and is not required for any custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 19.8.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

27.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No