

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M No.33870 of 2021
Date of Decision: 30.11.2021

Gurvinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tarun Jhatta, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.0125 dated 31.10.2020 registered under Sections 323, 324, 341, 34 of the IPC (Sections 325 and 326 IPC added later on) at Police Station City, Zira District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by this Court on 06.09.2021.

Order dated 06.09.2021 is as under:-

“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.125 dated 30.10.2020 registered under Sections 323, 324 and 341 read with Section 34 of the IPC (Sections 325 and 326 IPC added later on) at Police Station City Zira, District Ferozepur.

Learned counsel for the petitioner argues that the incident occurred on 26.10.2020 and the statement of the complainant was recorded on the very next day i.e. 27.10.2020 and the FIR registered does not contain the name of the petitioner and it was only on a supplementary statement of the complainant, which was recorded on 04.11.2020, the petitioner was named and the kapa was attributed to him. Learned counsel for the petitioner submits that the petitioner has wrongly been involved in the present case.

Learned counsel for the respondent-State concedes that in the FIR, registered on the initial statement of the complainant, the name of the petitioner was not mentioned as FIR only mentions that four persons stopped the complainant and attacked them with the baseball bat.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is conceded that in the initial statement, the complainant did not name the petitioner and the FIR does not contain the name of the petitioner as an assailant and it was only on the supplementary statement recorded on 04.11.2020, the petitioner was named on the basis of which he was roped in, the petitioner has made out a case for the grant of anticipatory bail especially when he has undertaken before this Court to join the investigation and to cooperate.

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 30.11.2021.

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.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Resham Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation at this stage. He further states that challan is yet to be submitted.

In view of the above, the order dated 06.09.2021 passed by this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but he is not cooperating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

30.11.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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