

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-37986-2021

Date of Decision : 24.11.2021

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chanakya Batta, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.035 dated 17.02.2020 registered under Sections 307, 506, 148, 149 and 120-B of the IPC and Sections 25, 54 and 59 of the Arms Act at Police Station City Nawanshahar, District SBS Nagar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of the order passed by this Court on 14.09.2021. Order dated 14.09.2021 is as under:-

“The 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.35 dated 17.02.2020 registered under Sections 307, 506, 148, 149 and 120-B of the IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station City Nawanshahar, District S.B.S. Nagar.

Learned counsel for the petitioner argues that the name of the petitioner has not been mentioned either in the FIR or in the challan, and

the petitioner has been roped in the present FIR only on the basis of the disclosure statements of the co-accused namely, Mandeep Singh @ Manpreet Singh @ Manna and Parnav @ Paru and the only allegation alleged against the petitioner was that he has accompanied them. Learned counsel for the petitioner submits that even, no injury, weapon or role has been attributed to the petitioner in the commission of the crime and the petitioner is ready to join and cooperate in investigation, therefore, he be granted the concession of anticipatory bail.

Notice of motion for 24.11.2021.

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

Learned State counsel concedes that the petitioner has been roped in the present FIR on the basis of the disclosure statements of the co-accused namely, Mandeep Singh @ Manpreet Singh @ Manna and Parnav @ Paru and also concedes the fact that even in the disclosure statements of the co-accused, the allegation against the petitioner was that he has accompanied them and no role, injury or weapon has been attributed to the petitioner.

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

Keeping in view the facts and circumstances noticed hereinbefore, especially, that no injury upon the victim or weapon has been attributed to the petitioner and the petitioner was roped in the present FIR only on the basis of the nomination by the co-accused in their disclosure statements, the petitioner has made out a case for the grant of anticipatory bail especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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.”

Learned State counsel, on instructions from ASI Surinder Singh, states that in terms of the order passed by this Court, reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 14.09.2021 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 is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 24, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No