

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

207

**CRM-M-36122-2020
Date of decision: 22.01.2021**

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kuldeep Singh Siwach, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. P.S. Dhaliwal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present (second) 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.134 dated 16.09.2020 registered under Sections 307, 324, 323, 341 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Dhanaula, District Barnala.

His first petition for grant of anticipatory bail was dismissed as withdrawn vide order dated 16.10.2020.

While issuing notice of motion on 23.11.2020, 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:-

"The petitioner has filed the present (second) 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.134 dated 16.09.2020 registered under Sections 307, 324, 323, 341 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Dhanaula, District Barnala.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was not present at the spot. From perusal of the FIR no offence under Section 307 of the IPC is made out. The petitioner is alleged to have caused injury to the daughter of the complainant with blunt weapon which is declared to be simple. All the injuries on the person of complainant Gurpreet Singh @ Gopi and Jaskaran Kaur were declared to be simple in nature and there is no medical opinion as to any injury being dangerous to life. Co-accused Manjit Singh was granted anticipatory bail by this Court vide order dated 16.10.2020. The petitioner has also compromised with the complainant. His first petition for grant of anticipatory bail was dismissed as withdrawn vide order dated 16.10.2020. The petitioner is ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy, Mr. Mehardeep Singh, Addl. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

At this stage, Mr. Preetvinder Singh, Advocate has appeared and accepted notice on behalf of the complainant.

Learned Counsel for the complainant admits the factum of compromise and undertakes to file his power of attorney in the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 22.01.2021.

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 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 bail allowed to him."

The petition has been contested by respondent-State and 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 submissions made on 23.11.2020, submitted that in compliance with order dated 23.11.2020, the petitioner has joined the investigation.

Learned Counsel for the complainant admits the factum of compromise and has no objection to grant of anticipatory bail to the petitioner.

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 Gurtej Singh, acknowledged that in compliance with order dated 23.11.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case 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 tempering 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 23.11.2020 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.

22.01.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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