

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-37164 of 2020
Date of Decision : 19.01.2021

Chamkaur Singh @ Bhupinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Bhanot, Advocate for
Mr. Vikram Singh Chahal, Advocate for the petitioner.

Mr. Sukhbeer Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 50 dated 04.04.2020, under Sections 323, 325, 326, 148, 149 IPC, registered at Police Station Chattiwind, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 12.11.2020. Order dated 12.11.2020 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. 50 dated 04.04.2020, under Sections 323, 325, 326, 148, 149 IPC, registered at Police Station Chattiwind, District Amritsar.

Learned counsel for the petitioner argues that there was an incident, which spontaneously happened, wherein, even the petitioner had suffered grievous injuries and a cross DDR has already been registered by the Police after one of the accused, namely, Dara Singh, was arrested on 10.11.2020. Learned counsel for the petitioner submits that DDR No. 34 dated 10.11.2020 has been registered against the complainant as well at the asking of the petitioner and his brother, Dara Singh. Learned counsel further submits that the injury which has been attributed to the petitioner, though, is grievous but is on non-vital part and the petitioner is ready to join the investigation and, therefore, keeping in view the facts and circumstances of the present case, petitioner may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel keeping in view the affidavit, which has been filed by the Deputy Superintendent of Police, Attari, Amritsar Rural today, concedes that a DDR No. 34 dated 10.11.2020 has been registered against the complainant family at the asking of the petitioner and grievous injuries were suffered by the accused, namely, Dara Singh as well as the petitioner, Chamkaur Singh @ Bhupinder Singh. Learned State counsel submits that the weapon attributed to the petitioner is yet to be recovered from him and for the said purpose, the custodial interrogation of the petitioner is necessary.

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

Though, the present application is the second

anticipatory bail application but there is the change of circumstances. At the time when the first anticipatory bail application was withdrawn, there was no cross case/DDR, which was registered at the asking of the petitioner and his brother, who is also co-accused, namely, Dara Singh. Now the State has confirmed the registration of the DDR No. 34 dated 10.11.2020 and also that the petitioner and the co-accused Dara Singh have also suffered grievous injuries in the said incident.

Once, both the parties have suffered injuries and who is the aggressor out of the two, is yet to be proved during the trial and the custodial interrogation of the petitioner is only being asked for recovery of the weapon attributed to the petitioner, the petitioner is held entitled to the grant of anticipatory bail as he has undertaken before this Court to join the investigation and cooperate.

Keeping in view the aforesaid facts, the petitioner is directed to join the investigation and cooperate with the police.

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 themselves 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 19.01.2021.

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 Salwinder Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 12.11.2020 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.

January 19, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No