

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CRM-M-44626-2021

Date of Decision : December 09, 2021

Amarjeet Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tushar Wadhwa, Advocate, for
Mr. Manjinder Singh Saini, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in DDR No.26 dated 17.06.2020 registered under Sections 324, 326, 295, 452, 148, 149 and 506 of the IPC at Police Station Chabbewal, District Hoshiarpur as a cross case in FIR No.53 dated 11.05.2020 registered under Sections 324, 323, 452, 506 and 34 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 26.10.2021. Order dated 26.10.2021 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 DDR No.26 dated 17.06.2020 registered under

Sections 324, 326, 295, 452, 148, 149 and 506 of the IPC at Police Station Chabbewal, District Hoshiarpur as a cross case in FIR No.53 dated 11.05.2020 registered under Sections 324, 323, 452, 506 and 34 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner argues that the present is a case of version and cross-version and the FIR was got registered on the asking of the co-accused of the petitioner, whereas, DDR was got registered after a period of 35 days as a cross-version. Learned counsel for the petitioner submits that even in the DDR, the only allegation against the petitioner is that he has allegedly hit the victim with a baseball bat and that too without identifying any injury resulting out of the said act. Learned counsel for the petitioner further submits that the petitioner has only been involved in the present case so as to put pressure on him keeping in view the registration of FIR No.53 dated 11.05.2020. Learned counsel for the petitioner argues that injury due to which, Section 326 of the IPC has been invoked, is not attributed to the petitioner.

Notice of motion for 09.12.2021.

Mr. Kirat Singh Sidhu, 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 the fact that DDR in question was registered after a period of 35 days of the incident and the present is the case of version and cross-version. He further concedes that no specific injury has been pointed out resulting out of the allegation that the petitioner has hit the victim with a baseball bat. Learned State counsel submits that the custodial interrogation of the petitioner is necessary to elicit the truth behind the incident.

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 narrated hereinbefore, especially, that only allegation against the petitioner is that he has hit the victim with baseball bat but, no injury has been brought to the notice of this Court which has result out of the said act of the petitioner and the aggressive party is yet to be identified being a case of version and cross-version, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in 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, who is present in the Court, on instructions from ASI Gurminder 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.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 26.10.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 09, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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