

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3896-2022

Date of Decision: 01.04.2022

Sameer Paul

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harjinder Singh, Advocate, and
Mr. Paras Khindri, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.227, dated 14.11.2021, under Sections 323, 326, 427, 506, 148 and 149 of the IPC, registered at Police Station Division No.6, District Commissionerate Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 04.02.2022, passed by this Court, which 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. 227 dated 14.11.2021, registered under Sections 323, 326, 427, 506, 148, 149 IPC at Police Station Division No. 6, District Commissionerate, Jalandhar.

Learned counsel for the petitioner argues that the only allegation against the petitioner is that he had inflicted a grievous injury upon the ankle of the complainant. Learned counsel for the petitioner further

argues that an injury upon the ankle of the complainant has also been attributed to co-accused Robin though, the said injury has not been described as grievous and the said co-accused Robin has already been extended the benefit of anticipatory bail by this Court while passing order in CRM No. M-546 of 2022 on 10.01.2022. Learned counsel for the petitioner submits that incident in question is a case of a version and a cross version and the aggressor party is yet to be ascertained and as the petitioner is ready to join the investigation and cooperate even in respect of the weapon being attributed to the petitioner, the petitioner may kindly be extended 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 submits that though, co-accused Robin has also been attributed an injury upon the ankle of the complainant but the injury attributed to the petitioner has been described as grievous and as the weapon attributed to the petitioner is yet to be recovered, the custodial interrogation of the petitioner is necessary. Learned State counsel though concedes that the incident in question is a case of version and a cross version and upon the complaint of the petitioner, a cross version has already been registered against the other party.

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

Keeping in view the fact that the present incident involves a version and a cross version and petitioner

has also suffered injury though, simple in nature in the incident and the fact that co-accused Robin has already been extended the benefit of anticipatory bail coupled with the fact that petitioner has undertaken before this Court to join the investigation and cooperate even in respect of the recovery of the weapon attributed to him as well as, the purpose of investigation will be achieved in case, petitioner is directed to join the investigation and 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 28.03.2022.

It is, however, made clear that after petitioner joins 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, on instructions from S.I. Ramesh Kumar, 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 04.02.2022 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 shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.04.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No