

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

207

CRM-M-4028 of 2020
Date of Decision:-06.09.2022

Udhay Singh @ Udhayvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Subhash Kumar, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Jagmohan Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No. 171 dated 18.11.2019 under Sections 379-B, 324, 323, 427, 506, 148 and 149 IPC 1860 (326 IPC added vide order of this Court dated 13.02.2020) at Police Station Kot Ise Khan, District Moga.
2. At the time of issuance of notice of motion on 30.01.2020, the following order was passed :

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.171 dated 18.11.2019 registered under Sections 379-B, 324, 323, 427, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Kot Ise Khan, District Moga.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not present at the time of alleged occurrence. The petitioner is alleged to have inflicted blow by iron rod on the left arm of the complainant but in the MLR there is no such injury. Compromise has also been effected between the parties and quashing petition bearing No.CRM-M-54571-2019 has been filed before this Court which is pending before Coordinate Bench. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab. accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 26.03.2020.

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.

To be heard along with CRM-M-54571-2019.”

3. Learned counsel for the petitioner submitted that though the parties had amicably resolved their issues, a petition for quashing the FIR has also been filed but subsequently, complainant has resiled from the compromise and is not coming forward to make his statement. He further submits that in any case, petitioner has been attributed the injury on the left hand only and otherwise joined investigation.
4. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has, however, also informed that the petitioner happens to be involved in some other cases as well. He further submits that challan in this case has been presented and charges have also been framed.
5. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already joined investigation and is not required for any custodial interrogation, the

present petition is accepted and the interim directions issued by this Court vide order dated 30.01.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

06.09.2022
anil

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No