

210

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4475-2020 (O&M)  
Date of Decision: 29.04.2022

Gamdoor Singh @ Kala

.. Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Param Preet Singh Barar, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.345 dated 31.12.2019 registered under Sections 341, 323, 148, 149, 120-B IPC and Sections 42 and 52-A Prisons Act (Section 295-A IPC added later on), at Police Station City Faridkot, who apprehends his arrest at the hands of Police.

On 03.02.2020, this Court had passed the following order:

*“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to petitioner-Gamdoor Singh @ Kala in case FIR No.345 dated 31.12.2019 registered under Sections 341, 323, 148, 149, 120-B IPC, Sections 42, 52-A of the Prisons Act and later on added Section 295-A IPC at Police Station City Faridkot.*

*According to the prosecution, in the day time of 30.12.2019, inmate Nishan Singh and 18/19 other inmates in Modern Jail, Faridkot, attacked complainant Rajinder Singh in Barrack No.E-10, confined there, with lathis and dandas. Prior to the attack, wife of complainant was allegedly told by petitioner that complainant would not come out safe from the jail on account of his enmity with petitioner and Nishan Singh. Pursuant thereto, few people related to the complainant, moved written complaint to Deputy Superintendent Jail to make*

*necessary arrangements for security of the complainant, but no heed was paid to their request. For that reason, complainant was attacked by a group of inmates headed by co-accused of the petitioner Nishan Singh.*

*Learned counsel inter alia contends that the occurrence allegedly took place in Modern Jail, Faridkot. At that time, petitioner was outside the jail. He has nothing to do with the said occurrence. He has falsely been implicated on the basis of statement of his co-accused Nishan Singh, which is a very weak type of evidence. No recovery has to be effected from the petitioner. Therefore, he is not required for custodial interrogation.*

*Notice of motion for 1.5.2020.*

*On the asking of the Court, Mr. Pawan Sharda, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. Requisite number of copies of complete paper-book be supplied to learned State counsel during the course of the day.*

*Meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, petitioner – Gamdoor Singh @ Kala shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”*

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by ASI Beant Singh, states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.02.2020 is made absolute.

29.04.2022  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes No  
Yes No