

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

CRM-M-7323-2022 (O&M)
Date of Decision:-6.4.2022

Gurwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Milk Raj.

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.306 dated 14.12.2021, Police Station Sadar Fazilka, District Fazilka under Sections 353, 186, 224 and 225 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 22.2.2022:

“ Taken up in physical mode.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.306 dated 14.12.2021 under Sections 353, 186, 224, 225 of the Indian Penal Code, 1860 registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner would contend that on 14.12.2021 at about 6.30 AM the police officials suddenly entered the bedroom of the petitioner while the petitioner and his family members were sleeping and they started abusing and tried to forcibly take away Manga Singh, brother of petitioner. It is further contended that when sister of the petitioner tried to inquire from the police officials they abused and misbehaved with her and the entire incident had been recorded on the mobile phone. It is only because of recording of the entire incident that the petitioner and his family members have been implicated falsely in the present case. The learned counsel would further contend that although the complainant in the present case is SI- Iqbal Singh, however, there is a delay of four hours in registration of the FIR.

Notice of motion.

On the asking of the Court, Mr. H.S. Multani, AAG Punjab, who is present in Court, accepts notice on behalf of the respondent- State. Learned counsel for the State seeks some time to file his reply.

List on 06.04.2022.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bonds with adequate surety to the satisfaction of the Investigating/Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel upon instructions from the Investigating Officer has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has further informed that the petitioner is not involved in any other case.

4. Having regard to the aforesaid facts and circumstances and particularly the fact that the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 22.2.2022 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.

6.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No