

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-8215-2022
Decided on : 04.05.2022

Hira Singh @ Amritpal Singh @ Amritpreet Singh

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 176 dated 06.11.2021 under Sections 307, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Majitha, District Amritsar Rural.

On 25.02.2022, a coordinate Bench of this Court was pleased to pass the following order:

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.0176, dated 06.11.2021, having been registered at Police Station Majitha, District Amritsar Rural, alleging therein the commission of offences punishable under Sections 307,148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that as regards the FIR itself, a compromise has been entered into between the complainant and the victim (injured), and the petitioner and his other co-accused Charan Singh, as per Annexure P-2; and further, the firearm shot as is stated to have injured Sanjeev Kumar (victim), even as per the FIR was fired not by the petitioner but his coaccused Charan Singh @ Karan. He further submits that no injury at all has been attributed to the petitioner and the only allegation against him is that he accompanied Charan Singh @ Karan at the time of the occurrence.

Notice of motion.

Mr.Rana Harjasdeep Singh, DAG Punjab, accepts notice at the asking of the Court. A copy of the paper book be supplied to him during the course of the day.

Learned State counsel submits that the petitioner having accompanied the aforesaid Charan Singh, he should not be admitted to bail.

Having considered the matter, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 04.05.2022. ”

Learned State counsel, on instructions from SI Tarlok Singh, has submitted that the petitioner has joined the investigation on 05.03.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 25.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

04.05.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No