

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

CRM-M-9527-2022 (O&M)
Date of Decision:-12.9.2022

Gurvinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by HC Paramveer 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.118 dated 26.7.2021, Police Station City Sangrur, District Sangrur under Sections 307, 323, 324, 341, 506, 148 and 149 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 7.3.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.118 dated 26.7.2021, Police Station City Sangrur, District Sangrur under Sections 307, 323, 324, 341, 506, 148 and 149 of Indian Penal Code.

The FIR was lodged at the instance of Lovepreet Singh, wherein it is alleged that on 25.7.2021, when he was waiting for his brother Satnam Singh in front of BSNL park, then at about 07:00 p.m., Kamaldeep Singh Cobra, Racho and Donal accompanied by 7-8 unknown persons, attacked him. It is alleged that Racho hit him with a stick on his nose. Donal and other persons are alleged to have caught him and gave beatings to him. Cobra Kamaldeep Singh is stated to have inflicted an injury on the head of complainant with a '*gandasa*'. When the complainant fell down, all the accused are stated to have given him kick blows. When the complainant's brother Satnam Singh and Satgur Singh came to the spot, the assailants ran away alongwith their weapons.

Learned counsel for the petitioner submits that it is a case where two injuries were found on the person of complainant, which are specifically attributed to Kamaldeep Singh Kobra and Racho and that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement stated to have been made by the complainant without there being any specific explanation as to how he had come to know about the name of petitioner. Learned counsel submits that the petitioner apparently has been falsely implicated on the basis of a disclosure statement, which came to be recorded after 1 month and 24 days, which hardly carries any evidentiary value.

Notice of motion for 12.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from HC Paramveer Singh, has informed that pursuant to interim directions, the petitioner has since joined

investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 7.3.2022 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.

12.9.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No