

202

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7350-2020

Date of decision : 14.03.2022

Gurinderpal Singh @ Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Wadhawan, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.200 dated 28.09.2019 registered under Sections 324, 148, 149 of the Indian Penal Code, 1860 (Sections 323 and 326 of IPC have been added later on) at Police Station Lopoke, District Amritsar (Rural).

On 19.02.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“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.200 dated 28.09.2019 registered under Sections 324, 148 and 149 of the Indian Penal Code, 1860 (for short, “the IPC”) at Police Station Lopoke, District Amritsar to which Sections 323 and 326 of the IPC were added lateron.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Grievous injury caused with sharp edged weapon on the person of

injured-Joban Singh is not attributed to the petitioner. The petitioner is ready to join the investigation and his custodial interrogation is not necessary.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the learned State counsel, who seeks time to complete his instructions.

Adjourned to 30.04.2020.

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.

19.02.2020

Sd/- (ARUN KUMAR TYAGI)

JUDGE ”

On 20.12.2021, the following order was passed by the Coordinate Bench of this Court:-

“Learned State counsel, on the instructions from ASI Narain Singh, Police Station Lopoke, District Amritsar (Rural), apprises the Court that during the investigation, the petitioner and his co-accused have been found to be innocent and the report in this regard has been placed before the Director, Bureau of Investigation, for consideration/approval and he seeks some time to apprise the Court about the decision of the above-said Authority on the said report.

Adjourned to 14.03.2022.

Sd/-(MEENAKSHI I. MEHTA)

December 20, 2021

JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 19.02.2020, the petitioner has joined the investigation and as per his instructions, the petitioner has been found to be innocent.

Learned counsel for the State, on instructions from ASI Gurdeep Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is, however, stated by him that final decision of the Director, Bureau of Investigation has not been received.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 19.02.2020 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, this Court feels that no useful purpose would be served in keeping the present petition pending.

Accordingly, the present petition is allowed and the interim order dated 19.02.2020 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.

14.03.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No