

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

204

CRM-M-9724-2022

Date of decision: 04.04.2022

SURJEET SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Neeraj Madaan, Advocate
for the petitioner.

Mr. A.A.Pathak, Addl. A.G., Punjab
for the respondent-State.

Mr. H.S.Jakhal, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 121 dated 24.09.2021 registered under Sections 452, 323, 148 and 149 at Police Station Sadar Jalalabad, District Fazilka.

While issuing notice of motion on 08.03.2022, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 08.03.2022 reads as under :-

“The allegation against the petitioner is that he gave a kirpan blow from its reverse side, which hit the complainant on his left knee.

It is contended that the present case has been registered by the complainant to falsely implicate the petitioner, who is brother-in-law (jija) of Akko Bai (daughter-in-law of complainant) on account of not bringing dowry by the latter. It is further contended that the injury attributed to the present petitioner is on the non vital part of the body and declared as

simple in nature. Moreover, the co-accused persons of the present petitioner have already been granted concession of anticipatory bail by this Court vide order dated 23.12.2021 (Annexure P-5).

Notice of motion for 17.03.2022.

To be heard along with CRM-M-53915-2021.

Mr. Kirat S.Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

Mr. H.S.Jakhal, Advocate puts in appearance on behalf of the complainant.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 08.03.2022, submitted that in compliance with order dated 08.03.2022, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Sukhdev Singh, acknowledged that in compliance with order dated 08.03.2022 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is

not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 08.03.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

04.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No