

208-A

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

CRM-M-17843-2022

Date of decision : 06.09.2022

Jugraj Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case DDR No.27 dated 22.05.2021 under Sections 307, 323, 324, 148, 149 IPC and 25/27 of the Arms Act in case FIR No.58 dated 17.05.2021 registered under Sections 302, 307, 323, 324, 148, 149 IPC, Sections 25/27 of the Arms Act, and 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar Patti, District Tarn Taran.

On 29.04.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“CRM-15606-2022

Heard.

Allowed as prayed for.

CRM-M-17843-2022

Prayer in this petition is for grant of anticipatory bail to the petitioner in DDR No.27 dated 22.05.2021 under Sections 307, 323, 324, 148, 149 IPC and 25/27 of the Arms Act in case FIR No.58 dated 17.05.2021 registered under Sections 302, 307, 323, 324, 148, 149 IPC, Sections 25/27 of the Arms Act, and 3(i)(r) of

the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar Patti, District Tarn Taran. Counsel for the petitioner has relied upon the order dated 06.01.2022 passed in CRM-M No.51742 of 2021, vide which the brother of the petitioner was granted the concession of anticipatory bail. The operative part of the said order, reads as under:-

“The operative part of the order dated 13.12.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that it is a case of version and cross-version and in the FIR case, father of the petitioner Dhara Singh was murdered and the present cross-version was registered after 05 days. It is further submitted that in the DDR version, the petitioner is attributed simple injury with a stick, whereas in the supplementary statement, it is stated that the petitioner has caused a firearm injury. It is also submitted that in the FIR version, two accused namely Jagjit Singh and Paramjit Singh have already been granted the concession of anticipatory bail noticing the aforesaid facts.

Learned counsel has further submitted that primarily, it is a dispute with regard to possession of agricultural land, which both the parties claim that they have purchased it and are in possession of the same. It is next submitted that even in the anticipatory bail granted to accused in the FIR version, it is noticed that it is a case of free fight regarding the possession over the land in dispute.

Notice of motion for 06.01.2022.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 13.12.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Nirmal Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 13.12.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.”

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State.

Counsel for the State has, however, submitted that one Baljeet Singh, who was a passerby has suffered a fire-arm injury at the instance of the petitioner.

Counsel for the petitioner, in reply, has submitted that the petitioner is ready to pay Rs.25,000/- to the victim Baljeet Singh towards his medical expenses, without prejudice to his right of defence.

List again on 06.09.2022.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

1. He shall make himself available for interrogation by a police officer as and when required;

2. He 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; and

3. He shall not leave India without previous permission of the Court.

At the time of furnishing bail/surety bonds, the petitioner will hand over a demand draft of Rs.25,000/- favouring the victim Baljeet Singh, to the Investigating Officer, who will further hand over the same to the victim, without prejudice to his right of defence.

(ARVIND SINGH SANGWAN)
JUDGE

29.04.2022
yakub”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and handed over a demand draft of Rs.25,000/- in favour of the victim Baljeet Singh, to the Investigating Officer.

Learned State counsel on instructions from ASI Raj Kumar has submitted that the petitioner has joined investigation and is not required for further investigation and reaffirmed the fact that demand draft of Rs.25,000/- has been handed over by the petitioner to the Investigating Officer.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 29.04.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 29.04.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

September 06, 2022
Amandeep

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