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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19697-2021 (O&M)
Date of Decision:15.02.2022

Gurdarshan Singh @ Lucky

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in cross case bearing DDR No.45 dated 11.01.2021, registered under Sections 336, 323, 324, 148 and 149 IPC and Sections 25 and 27 Arms Act, at Police Station Sujampur, District Pathankot in case FIR No.05 dated 09.01.2021 registered under Sections 307, 324, 325, 323, 336, 427, 148, 149 and 120-B IPC and Sections 25/27 Arms Act at Police Station Sujampur, District Pathnakot. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 20.05.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in

case DDR No.45 dated 11.01.2021 registered under Sections 323, 324, 336, 148, 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 25 and 27 of the Arms Act, 1959 in Police Station Sujanpur, District Pathankot as cross case to FIR No.5 dated 09.01.2021 registered under Sections 307, 323, 324, 325, 336, 427, 148, 149 and 120-B of the IPC and Sections 25 and 27 of the Arms Act, 1959 in Police Station Sujanpur, District Pathankot.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the cross version registered with delay of three days as a counter blast to FIR No.5 dated 09.01.2021. The petitioner was caused injuries including fracture by the complainant side who subsequently on the basis of MLR conducted with delay of one day got the cross version registered on concocted allegations. The petitioner is alleged to be armed with iron rod and is alleged to have given blow on the back of Gama Masih and on the right wrist of Akash Sharma. The injuries caused to them were declared to be simple. All the offences except offences under the Arms Act are bailable. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. A.G. Punjab has appeared and accepted notice on behalf of the respondent-State. Learned State Counsel seeks time to file reply.

Mr. Dheeraj Mahajan, Advocate has appeared on behalf of the complainant and filed his power of attorney through e-mail print out of which is taken on record. He undertakes to file its original in the Registry.

Learned Counsel for the complainant has submitted that in FIR 11 persons were falsely implicated for having caused injuries to 4 persons from the petitioner's side including the petitioner. Special Investigation Team constituted found 9 persons to be innocent. The petitioner's side has suppressed the true origin, genesis and version of the occurrence. However, learned Counsel for the complainant also seeks time to file reply.

Adjourned to 07.09.2021.

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 anticipatory 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 anticipatory bail allowed to him.”
Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Harmesh Kumar does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 20.05.2021 is made absolute.

15.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No