

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-18569-2022

Decided on : 01.08.2022

Jasmohan Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 170 dated 19.06.2020 registered under Sections 307, 364, 506 and 34 of the Indian Penal Code, 1860 and Sections 25, 27, 54 of the Arms Act, 1959 registered at Police Station Salem Tabri, District Ludhiana.

On 04.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present FIR on account of a land dispute between the complainant and the present petitioner. It is further submitted that even as per the FIR, only one injury has been inflicted upon one Jaswinder Singh and not on the complainant. It is contended that as per the affidavit of Jaswinder Singh dated 30.07.2020 (Annexure P-2), it has been stated that the petitioner has been falsely implicated in the case inasmuch as, it could not be ascertained as to who

was the person who had caused the injury. A perusal of the FIR would also show that as per the complainant's version, it is the petitioner who had taken the injured-Jaswinder Singh to the Hospital. The factum with respect to the affidavit of Jaswinder Singh-sole injured, has been noticed in the order dated 09.12.2021 (Annexure P-3), vide which, the anticipatory bail application of the petitioner has been rejected.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 12.07.2022.

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

Subsequently, on 12.07.2022, this Court was pleased to pass

the following order:-

“Learned State counsel, on instructions from the investigating officer, has pointed out that although the petitioner has joined the investigation, but he is not cooperating with the investigation.

On request, adjourned to 01.08.2022.

The petitioner is again directed to join the investigation on 19.07.2022 at 11.00 AM. Interim order to continue. ”

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Harmel Singh, has submitted that the petitioner has joined the investigation on 24.07.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.05.2022 and also the fact that the petitioner had joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 04.05.2022 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.

(VIKAS BAHL)
JUDGE

01.08.2022
Mehak

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