

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

CRM-M-25026-2022

Date of Decision: 08.09.2022

Talwinder Singh @ Kaka

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Raj Karan Singh Verka, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 108, dated 31.08.2020, under Sections 307/452/380/506/323/148/149 of the Indian Penal Code, 1860, and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Bhindi Saidan, District Amritsar.

On 01.06.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer is for grant of anticipatory bail in case FIR No.108 dated 31.08.2020 under Sections 307,452,380,506,323,148,149 IPC and Sections 25 & 27 of Arms Act registered at P.S Bhindi Saidan, District Amritsar Rural. FIR was lodged on the complaint of Sukhdeep Singh, who alleged that on 30.08.2020 at about 12.30 a.m, he heard some noises outside his house. He went upstairs. Meanwhile, some persons namely, Manpreet Singh armed with a rifle, Kaka (petitioner) armed with datar, Manjit Singh son of Rattan Singh armed with Patta, Bau armed with datar, Surjit Singh, Kikkar Singh, Manjit Singh son of Sukhdev Singh, Buta Singh, Sarabjit Singh, Mustan Singh, Sonu, Nirvair Singh along with 15-20 unidentified persons armed with dangs and sotas broke open the

gate and forcibly entered the house of the complainant. The assailants damaged the articles lying in the house. The family members of the complainant left the house due to fear. Manjit Singh fired from the rifle at the complainant, however, the shot missed him. The complainant went to his neighbour's house. Assailants followed the complainant. There also gun shots were fired, however, no injury was sustained by anybody. Thereafter, the assailants ran away.

Learned counsel for the petitioner contends that even as per the FIR, no injury was sustained either by the complainant or any other person. Shots were allegedly fired by Manjit Singh. Petitioner was only stated to be armed with datar but no injury was caused to anyone. Petitioner is ready and willing to co-operate with the investigating agency.

Notice of motion for 08.09.2022.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

*June 01, 2022
manoj*

*(Harinder Singh Sidhu)
Judge “*

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gurjeet Singh, has submitted that the petitioner has joined the investigation 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 01.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 01.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 08, 2022

nitin

(VIKAS BAHL)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No