

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

216

CRM-M-26205-2022

Date of Decision: 20.09.2022

Sukhraj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sukhraj Singh Brar, Advocate, for the petitioner.

Mr. Arun Beniwal, DAG, Haryana,
assisted by ASI Jagpal Singh.

Mr. Lakhan Paul Garg, Advocate, for
Mr. Jagjit Singh Gill, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 0026 dated 19.02.2022 registered under Sections 147, 148, 149, 307 and 120-B of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959 at Police Station Baragudha, District Sirsa.
2. On the last date of hearing i.e. 28.07.2022, this Court passed the following order:

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 0026 dated 19.02.2022 registered under Sections 147, 148, 149, 307 and 120-B of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959 at Police Station Baragudha, District Sirsa.

Learned counsel for the petitioner contends that the only attribution against the petitioner is that he had accompanied the other assailants. The petitioner is not stated to be armed with any weapon and is also not alleged to have caused any injury to any of the victims. He further undertakes that the petitioner is ready and willing to join the investigation as and when required to do so.

Mr. Ashish Yadav, Additional A.G. Haryana assisted by Mr. J.S.Gill, Advocate for the complainant on a specific query, does not dispute the aforesaid assertion made by the counsel for the petitioner.

Even the learned counsel appearing on behalf of the complainant does not dispute the fact that no specific injury is attributable to the petitioner.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim 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 also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 20.09.2022, for further consideration”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has, however, been informed that previously also one FIR had been lodged against the petitioner by the complainant of the present case. It has not been disputed that in the instant case, the only allegation against the petitioner is that he was part of an unlawful assembly, but otherwise is not been attributed any overt act specifically.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial

interrogation, the petition is accepted and the interim directions issued by

this Court vide order dated 28.07.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.09.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**