

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

CRM-M-26630-2022

Date of Decision: 07.09.2022

Raju Singh @ Gursewak Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.P.S. Tung , Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. D.A.G., Punjab.

Ms. Amrita Garg, Advocate,
for the complainant.

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 case FIR No. 0037, dated 19.04.2022, under Sections 307/324/323/148/149 of the IPC, registered at Police Station Bereta, District Mansa.

On 06.07.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

*“This common order has been passed in CRM-M-26630-2022, titled as **Raju Singh alias Gursewak Singh Versus State of Punjab**, CRM-M-27114-2022, titled as **Tarsem Singh @ Semi Versus State of Punjab** and CRM-M-28107-2022, titled as **Manpreet Singh Versus State of Punjab**, which have been filed by different co-accused arising out of the same FIR.*

The petitioner(s) have approached this Court under Section 438 of the Code of Criminal Procedure for grant of

anticipatory bail in case FIR No.0037 dated 19.04.2022 under Sections 307, 324, 323, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Bareta, District Mansa. In so far as attribution to petitioner-Raju Singh alias Gursewak Singh in CRM-M-26630-2022 is concerned, he is stated to be armed with a silencer' and alleged to have been given a blow on the left side of the back, whereas petitioner-Manpreet Singh in CRM-M-28107-2022 is stated to be sitting on the motorcycle although not named in the FIR and is also not attributed any injury to the complainant. With respect to petitioner-Tarsem Singh @ Semi in CRM-M-27114-2022, he is stated to be wielding a sword and attributed a sword blow aimed towards the neck, however, the same is alleged to have landed on the shoulder.

Notice of motion.

Mr. Karanbir Singh, A.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State and prays for time to produce the medical opinion as regards injury attributed to the petitioners.

Mr. Arjun Sheoran, Advocate, appears and accepts notice on behalf of the complainant and files Memorandum of Appearance(s), which are taken on record. He contends that petitioner-Tarsem Singh @ Semi is the author of injury attracting Section 307 IPC.

To come up for further consideration on 25.07.2022.

In the meanwhile, petitioner-Raju Singh alias Gursewak Singh in CRM-M-26630-2022 and petitioner-Manpreet Singh in CRMM-28107-2022 are directed to join investigation as and when so required by the Investigating Agency. In the event of above two petitioners joining investigation, they shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioner(s) shall also abide by the conditions as

specified under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the files of other connected cases.

(VINOD S. BHARDWAJ)

JUDGE

July 06, 2022”

Thereafter, on 25.07.2022, the following order had been passed by the coordinate Bench of this Court:-

“Learned counsel appearing on behalf of the State submits on instructions from ASI Jaskaran Singh that even though the petitioner(s) have joined investigation, however, they are not cooperating.

Learned counsel appearing on behalf of the petitioner content that they have extended all cooperation and that they are willing to associate themselves with the investigation again.

Adjourned to 07.09.2022. Interim order to continue.

Photocopies of this order be placed on the files of connected cases mentioned above.

(VINOD S. BHARDWAJ)

July 25, 2022”

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 Rajpal 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 06.07.2022 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 06.07.2022 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 07, 2022
nitin

(VIKAS BAHL)
JUDGE

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