

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26785-2022 (O&M)
Date of Decision:-2.8.2022

Joga Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Avtar Singh Sandhu, Advocate for the petitioner.

Mr. Harpreet S. Multani, AAG, Punjab,
assisted by ASI Jarnail Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.22 dated 2.6.2022, Police Station Pojewal, District S.B.S. Nagar, under Section 306 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 17.6.2022:

“Pentioner prays for anticipatory bail under Section 438 Cr.P.C. in FIR No.22 dated 02.06.2022 (Annexure P-1) under Section 306 IPC, Police Station Pojewal, District S.B.S. Nagar.

The said FIR has been registered on the statement of one Manjinder Kaur wife of late Santokh Singh, who has averred that her husband had committed suicide by consuming poison on the intervening night of 01/02.06.2022, on account of being depressed

as the petitioner Joga Singh had got registered a case against her husband-Santokh Singh and her sons Inderpreet @ Inda, Sarabpreet @ Khushi and one another relative Amritpal Singh.

A perusal of the record reveals that FIR No.21 dated 30.05.2022 under Sections 452, 324, 323, 506, 34 IPC, Police Station Pojewal, was registered against Santokh Singh son of Dharam Singh, his two sons Inderpreet @ Inda, Sarabpreet @ Khushi and one unknown person, who was subsequently identified as Amritpal. The petitioner was admitted in Civil Hospital, Nawanshahr and his MLR bearing No.BSK/53/MLR/DHNSR/22 dated 28.05.2022 records total 11 injuries, out of which 9 were received from sharp edged weapon and 2 from blunt weapon. On account of his serious condition due to the injuries and blood oozing out continuously, petitioner-Joga Singh was shifted to Dhawan Hospital, Nawanshahr and till date, he is alleged to be under treatment in the said hospital. It has been submitted that after the MLR came on record, Section 326 IPC was added in the FIR, subsequently.

It is submitted that the petitioner has been falsely implicated in FIR No.22 dated 02.06.2022 on account of the previous FIR and the same was a counterblast in order to pressurize the petitioner to settle the matter in which two sons and a relative of the complainant are facing trial.

Notice of motion for 02.08.2022.

Mr. Amitoj Singh Dhaliwal, DAG Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from ASI Ram Singh, submits that the registration of the earlier FIR, pendency of proceedings in that regard and injuries to the petitioner are not in dispute.

This Court has also been apprised that Amritpal was a juvenile and is on bail. It has further been submitted that Sarabpreet @ Khushi, one of the two sons of the complainant is in custody and the other son Inderpreet @ Inda is evading arrest. The medical condition of

the petitioner has not been disputed and the photographs of the petitioner depicting the two grievous injuries, one on the head and other on the knee, which are stated to have been taken in Dhawan Hospital, have been placed on record as Annexure P-3. The said injuries are better recorded in the MLR dated 28.05.2022 and are a matter of record. It has also been submitted that no recovery is to be effected in view the averments made in the complaint. It has further been pointed out that the cause of death of Santokh Singh is yet to be ascertained and the viscera report is still awaited.

Learned counsel for the petitioner contends that the deceased was a co-accused along with his two sons and a relative in FIR No.21 dated 30.05.2022 registered on account of the petitioner having been brutally assaulted and it would be an expected reaction to implicate the petitioner with a view to attempt an out of court settlement between the parties. The petitioner is stated to be still admitted in the hospital and is not likely to be discharged soon.

In the meanwhile, in the event of arrest, the petitioner shall be released on bail subject to furnishing of personal bond and surety bond to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when required and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Jarnail Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and he is not stated to be involved in any other case, the petition is accepted

and the interim directions issued by this Court vide order dated 17.6.2022 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.

2.8.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No