

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

**CRM-M-28024-2022
Date of decision : 06.09.2022**

Amarjit Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion, the following order was
passed:-

“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. 11 dated 29.01.2022 registered under Section 307 (added later on) 341, 323, 506 and 34 of the IPC at Police Station Bhindi Saidan, District Amritsar.

Learned counsel for the petitioner *inter alia* contends that the dispute inter se is amongst the complainant Nasib Singh son of Lal Singh and his son in law Tarsem Singh. The *datar* blow attracting injury under Section 307 is attributed to Tarsem Singh who is already in custody. He contends that the allegation against the petitioner who is brother of Tarsem Singh is only to the effect that he had raised a *lalkara*. He further contends that the petitioner has no criminal antecedents and he is ready and willing to join the investigation. Besides, nothing is to recovered from the petitioner.

Notice of motion.

Mr. Dhruv Dayal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondent/State.

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 06.09.2022, for further consideration.”

2. Today, Mr. Sidhu submits that the petitioner has already joined investigation. However, he alongwith Mr. Gulati, Advocate appearing for the complainant emphatically opposed the pre-arrest bail submitting that it was in fact the petitioner who instigated co-accused leading to the injuries.

3. Be that as it may, they are not in a position to controvert the fact that only lalkara has been attributed to the petitioner. He is not alleged to have caused any injury.

4. Keeping in view the fact that the petitioner has already joined investigation, the interim order dated 07.07.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

06.09.2022

Dinesh

Whether speaking/reasoned

Yes

Whether Reportable :

No