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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32152-2021 (O&M)
Date of Decision: 13.01.2022

Satwinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Anupama Arigala, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.135 dated 29.11.2020 under Sections 307, 295-A, 324, 323, 506, 148 and 149 IPC, registered at Police Station Ghall Khurd, District Ferozepur, Punjab. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.08.2021 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The case has been taken up for hearing through video-conferencing.

Learned counsel for the petitioner contends that petitioner has not been named in the FIR and no overt act has been attributed to him. It is only during course of investigation, allegation of catching hold has come forth without there being any disclosure statement of any co-accused. As per allegations in the FIR, co-accused Satta @ Pappy grappled the complainant from backside thereby facilitating Arshdeep Singh @ Arsh to give blow of baseball to the complainant, which ultimately landed on the backside of his right shoulder.

Petitioner is not an author of any injury on the person of the complainant. Co-accused Sandeep Singh @ Seepa has been granted regular bail by the Additional Sessions Judge, Ferozepur vide order dated 05.02.2021.

Notice of motion for 08.11.2021.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 24.08.2021 at 11:00 A.M. and in the event of his arrest, he shall be enlarged on interim bail, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Nothing expressed hereinabove shall be construed to be an opinion on the merits of the case. The case shall be decided on merits on the adjourned date.”

Learned counsel for the petitioner further states that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Baljinder Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.08.2021 is made absolute.

13.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No