

207

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

CRM-M-31952-2022

Date of decision : 15.11.2022

Puran Singh @ Pooran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikram Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.37 dated 19.04.2022 registered under Sections 307, 324, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Bareta, District Mansa, Punjab.

On 25.07.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has 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.

Learned counsel appearing on behalf of the petitioner

inter alia contends that the petitioner is not named in the FIR and as such, there is no attribution against the petitioner. He further contends that the allegation at best would only substantiate that the petitioner was present at the place of the incident. He also contends that the injury attracting Section 307 IPC is attributed to co-accused Tarsem Singh @ Semi. It is contended that case of the petitioner is at par with that of co-accused, namely, Raju Singh alias Gursewak Singh and Manpreet Singh, who have already been granted the concession of anticipatory bail by this Court vide order dated July 06, 2022 passed in CRM-M-26630-2022 (Raju Singh alias Gursewak Singh Versus State of Punjab) and CRM-M-28107-2022 (Manpreet Singh Versus State of Punjab), respectively.

Notice of motion.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

To come up for further consideration on 24.10.2022.

In the meanwhile, 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.

July 25, 2022

Sd/- (VINOD S. BHARDWAJ)

JUDGE”

Thereafter on 27.10.2022, the following order was passed by

this Court:-

“Learned State Counsel has pointed out that although,

the petitioner has joined the investigation but he is still required for further custodial interrogation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 10.11.2022 at 11:00 AM.

Adjourned to 15.11.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 27.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Balwan Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 25.07.2022 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 25.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

15.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No