

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

203

**CRM-M-41106-2021
Date of decision: 12.01.2022**

GULZAR SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

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

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 107 dated 04.06.2021 registered under Sections 307, 323, 324, 148 and 149 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1959 at Police Station Majitha, District Amritsar Rural.

While issuing notice of motion on 01.10.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 01.10.2021 reads as under :-

“Learned Counsel for the petitioner contends that though the petitioner is shown to be armed with brick bat, but no attribution has been shown qua the petitioner. No

injury has been attributed to the petitioner.

Notice of motion for 12.01.2022.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 06.10.2021 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....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 01.10.2021, submitted that in compliance with order dated 01.10.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from S.I. Som Nath, acknowledged that in compliance with order dated 01.10.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 01.10.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section

438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

12.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No