

203 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44337-2021

Date of Decision: 22.02.2022

Gurwinder Singh @ Bhindi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.37, dated 30.03.2021, under Sections 302, 307, 506, 148 & 149 of the IPC and Sections 25/27 of the Arms Act, registered at Police Station Mullanpur, District SAS Nagar, Punjab.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 16.12.2021, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.37 dated 30.03.2021 registered under Sections 302, 307, 506, 148 & 149 of the IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station Mullanpur, District S.A.S Nagar.

Learned counsel for the petitioner argues that the petitioner has been falsely roped in the present FIR as the petitioner was not present at the site, which is clear

from the fact that in the FIR, no role has been attributed to the petitioner. Learned counsel for the petitioner further argues that no injury or weapon has been attributed to the petitioner so as to involve him in the present case. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in investigation therefore, he may kindly be granted the benefit of anticipatory bail.

Notice of motion for 17.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

Learned State counsel submits that though, in the reply sequence of the incident has been mentioned but, nothing has come on record so far either in the FIR or in the reply to show that the petitioner was carrying any weapon or has used the same for inflicting injuries upon the victim but his presence has been established keeping in view the disclosure statement of the other co-accused and, therefore, custodial interrogation of the petitioner is necessary to unearth the truth.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, nothing has been presented before this Court with regard to any weapon or injuries stated to have been inflicted upon the victim by the petitioner and the presence of the petitioner is being alleged only on the basis of the disclosure statement of the co-accused, which fact is yet to be proved during the trial and the petitioner is ready to join and cooperate in the investigation, the petitioner has made out a case for the grant of benefit of anticipatory bail, especially, when nothing is to be recovered from the petitioner.

The petitioner is directed to join the investigation

forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Gurnam Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 16.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when

called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

22.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes
2. Whether reportable : No