

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44411-2021

Date of Decision: 28.01.2022

Arsal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sarvesh Kumar Gupta, Advocate, for the petitioner.
Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No 142, dated 23.07.2021, under Sections 307, 323, 148 and 149 of the IPC, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 26.10.2021, 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.142 dated 23.07.2021 registered under Sections 307, 323, 148 and 149 of the IPC at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that no specific injury has been attributed to the petitioner and the similarly situated co-accused namely, Inderjit Singh @ Labba, Buta Singh and Gursewak Singh @ Bohra Singh @ Ghudda have already been granted the benefit of anticipatory bail by this Court vide orders dated 14.09.2021 passed in CRM-M-38028 of 2021, dated 17.09.2021 in CRM-M-38727 of 2021 and dated 21.09.2021 in CRM-M-39212 of 2021 respectively and, therefore, on the ground of

parity, the petitioner be also granted the said benefit.

Notice of motion for 07.12.2021.

Mr. Kirat Singh Sidhu, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that no specific injury has been attributed to the petitioner and the similarly situated co-accused namely, Inderjit Singh @ Labba, Buta Singh and Gursewak Singh @ Bohra Singh @ Ghudda have already been granted the benefit of anticipatory bail by this Court vide orders dated 14.09.2021 passed in CRM-M-38028 of 2021, dated 17.09.2021 in CRM-M-38727 of 2021 and dated 21.09.2021 in CRMM- 39212 of 2021 respectively.

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

Once, no specific injury has been attributed to the petitioner and the similarly situated co-accused namely, Inderjit Singh @ Labba, Buta Singh and Gursewak Singh @ Bohra Singh @ Ghudda have already been granted the benefit of anticipatory bail by this Court vide orders dated 14.09.2021 passed in CRM-M-38028 of 2021, dated 17.09.2021 in CRMM- 38727 of 2021 and dated 21.09.2021 in CRM-M-39212 of 2021 respectively, the petitioner has made out a case for the grant of said benefit on the basis of parity.

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, who has also joined the proceedings through video conferencing, on instructions from ASI Santokh 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 26.10.2021 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.

28.01.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No