

207-A

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

CRM-M-42306-2022

Date of decision : 21.11.2022

Akashdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhmeet Singh, 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.76 dated 06.08.2022 registered under Sections 452, 325, 323, 341, 336, 427, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Sadar Moga, District Moga.

On 15.09.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 452, 325, 323, 341, 336, 427, 148 and 149 IPC and Section 25 of the Arms Act, 1959, in a case arising out of FIR No.

76, dated 06.08.2022, registered at Police Station Sadar, Moga, District Moga.

Learned counsel for the petitioner submits that except for Section 452 IPC and Section 25 of the Arms Act, all other offences alleged in the present FIR, are bailable in nature. Learned counsel further submits that no fire arm was used in the present case. The allegation coming up against the petitioner is of causing Kirpan blow from its reverse side, over the head of complainant – Vishal Singh, which is found to be simple injury. Learned counsel for the petitioner also relies upon order dated 29.08.2022 (Annexure P-2), passed by this Court in CRM-M-37530-2022, granting adinterim bail to co-accused Kundan Singh @ Gobind Singh.

Notice of motion.

On asking of the Court, Mr. J.S. Arora, Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

At this stage, Mr. Anantdeep Singh, Advocate, has put in appearance on behalf of the complainant and opposes the present petition.

Having heard learned counsel for the parties, perusing the record available before me, and in view of the fact that concession of adinterim bail has already been granted to the co-accused – Kundan Singh @ Gobind Singh, I am of the opinion that present petitioner – Akashdeep Singh also deserves the concession of ad-interim anticipatory bail.

Accordingly, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting

Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

Adjourned to 21.11.2022.

To be heard alongwith CRM-M-37530-2022.

Sd/-(SANJAY VASHISTH)

JUDGE

September 15, 2022”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 15.09.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Jaswinder 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 15.09.2022 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 15.09.2022 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.

21.11.2022

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No