

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

**CRM-M-48310-2021 (O&M)
Date of decision : 12.01.2022**

Jagdeep Singh Gill

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.110 dated 15.06.2021 registered under Sections 307, 341, 323, 427 and 34 IPC at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 18.11.2021. Order dated 18.11.2021 is as under:-

“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.110 dated 15.06.2021 registered under Sections 307, 341, 323, 427 and 34 of the Indian Penal Code, 1860 at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that even as per the allegations alleged in the FIR, the only injury attributed

to the petitioner is on the shoulder of the victim, which is on non-vital part of the body and nothing has come on record that any injury dangerous to the life, so as to invoke Section 307 IPC is attributed to the petitioner in the present case. Learned counsel for the petitioner further submits that the parties have already compromised their dispute, which fact is clear from the affidavit given by the complainant and therefore, as the petitioner is ready to join the investigation and cooperate with the same, he may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that though the injuries attributed to the petitioner are simple in nature but the victim was attacked in a busy road with an intention to kill and therefore, the custodial interrogation of the petitioner is necessary.

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

As the injuries attributed to the petitioner are simple in nature and on a non vital part of the body coupled with the fact that the parties have already entered into compromise and nothing has been brought to the notice of this Court that any injury which is declared as dangerous to the life inflicted upon the victim is attributed to the petitioner, the purpose of investigation will be achieved in case, the petitioner is directed to join the investigation and cooperate with the same.

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 his/her satisfaction 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.

Adjourned to 12.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Naratta Ram states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 18.11.2021 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 co-operating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

12.01.2022
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Whether speaking/reasoned	Yes
Whether Reportable :	No