

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM -M -51657-2021

Date of Decision : February 10, 2022

Navdeep Singh @ Navi

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurbir Singh Sidhu, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 162 dated 21.11.2021, registered under Sections 332, 341, 353, 146, 427, 506, 148, 149 IPC at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 10.12.2021. Order dated 10.12.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 162 dated 21.11.2021, registered under Sections 332, 341, 353, 146, 427, 506, 148, 149 IPC at Police Station Dhanaula, District Barnala.

Learned counsel for the petitioner argues that though an incident occurred but the only injury attributed to the

petitioner is simple in nature. Learned counsel for the petitioner submits that petitioner has to appear in 10+2 examination, which are starting from 13.12.2021 and hence, keeping in view the totality of circumstances, as the petitioner is ready to join the investigation and cooperate, he may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, 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 the incident was video recorded, wherein, the petitioner alongwith co-accused is present and petitioner is seen carrying a brick and inflicting the injury upon the victim though, the injury inflicted is simple in nature hence, the prayer of the petitioner for the grant of anticipatory bail may kindly be rejected.

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

Once, the injury attributed to the petitioner is simple in nature and petitioner is a student, who is to appear in examination from 13.12.2021 coupled with the fact that the petitioner has undertaken before this Court to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

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 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 10.02.2022.

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, on instructions from ASI Nirmal Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner 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 10.12.2021 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 will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 10, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No