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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54022-2021 (O&M)

Date of decision : 23.02.2022

GUPREET SINGH ALIAS GOPI

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rajat Dogra, Advocate for
Mr. Zubin Chhura, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.23 dated 28.01.2021 registered under Sections 324, 323, 326, 148, 149, 120-B and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 23.12.2021. Order dated 23.12.2021 is as under:-

“This is a second petition filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.23 dated 28.01.2021 registered under Sections 324, 323, 326, 148, 149, 120-B and 506 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station City Kapurthala, District Kapurthala.

Learned counsel for the petitioner submits that though the present petition is a second petition seeking the grant of anticipatory bail but the same is permissible keeping in view the fact that Section 307 and 120-B of the IPC has been omitted from the FIR by the police. Learned counsel for the petitioner further submits that the allegations alleged against the petitioner are of

inflicting the injury upon the leg of the complainant and pointing a firearm towards the complainant. Learned counsel for the petitioner further submits that the Investigating Agency has prima facie found the said allegation not correct due to which, Section 307 and 120-B IPC has been omitted, hence, as the petitioner is ready to join the investigation and cooperate with the same, he may kindly be extended the benefit of anticipatory bail especially in view of the fact that injury, due to which Section 326 IPC has been invoked in the FIR, is not attributed to the petitioner.

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 concedes the above mentioned factum.

Learned counsel for the respondent-State submits that as the weapons attributed to the petitioner are yet to be recovered, custodial interrogation of the petitioner is necessary.

Learned counsel for the petitioner submits that in case, the prayer of the petitioner for the grant of anticipatory bail is accepted, the petitioner will cooperate even for recovery of the weapon attributed to the petitioner.

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

Keeping in view the fact that Sections 307 and 120-B IPC has already been deleted by the Investigating Agency and the injury attributed to the petitioner is not grievous in nature and the petitioner has already undertaken before this Court to join the investigation and cooperate with the same even for recovery of the weapon being attributed to him in the allegations, the petitioner has made out a case for the grant of anticipatory bail and purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same.

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 14.02.2022.

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, who has also joined the proceedings through video conference, on instructions from SI Gurmeet Singh 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 23.12.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

23.02.2022

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Whether speaking/reasoned

Yes

Whether Reportable :

No