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

CRM-M-51760-2022 (O&M)

Date of Decision: 19.12.2022

LABH SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.130 dated 22.09.2022 registered under Sections 341, 323, 324, 506, 148 and 149 of Indian Penal code, 1860 (Section 326 IPC added later on) at Police Station Raman, District Bathinda.

On 11.11.2022, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.130 dated 22.09.2022, registered under Sections 341, 323, 324, 506, 148 and 149 of Indian Penal Code, 1860 (Section 326 IPC added later on) at Police Station Raman, District Bathinda.

Learned counsel for the petitioner, inter alia, contends that just to harass and humiliate the petitioner, he has falsely been implicated in the FIR in question whereas, no case is made out against him. He further submits that the FIR against the petitioner has been registered after an unexplained delay of one day of the alleged incident, at the behest of the complainant. Learned counsel further contends that the injury suffered by the complainant is on non-vital part of the body and the offence under Section 326 IPC has been added just to make the offence non-bailable.

Learned counsel further contends that co-accused of the petitioner have been granted anticipatory bail by the Court below, whereas, his bail application has been dismissed by the learned Additional Sessions Judge, Bathinda vide order dated 05.11.2022. He further submits that the petitioner is not involved in any other case except the present one and he is ready and willing to join investigation as and when required by the police.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 19.12.2022.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from HC Jaswant Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

In view thereof, the present petition is disposed of and the interim order dated 11.11.2022 passed by this Court is made absolute.

19.12.2022

Amandeep

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No