

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

CRM-M-51806-2022 (O&M)

Date of Decision: 22.12.2022

JASPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ankit Kharbanda, Advocate
 for the petitioner.

Mr. Subhash Godara, Addl. AG, 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.0134 dated 19.04.2022 registered under Sections 323, 325, 452 and 34 of Indian Penal code, 1860 (Section 452 IPC added later on) at Police Station Division B, Amritsar.

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.0134 dated 19.04.2022, registered under Sections 323, 325, 452 and 34 of Indian Penal Code, 1860 (Section 452 IPC added later on) at Police Station Division B, Amritsar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the FIR in question. He further submits that the FIR against the petitioner has been registered after an unexplained delay of about one month of the incident, at the behest of the complainant on account of pre-existing personal enmity between them. The allegation levelled in the FIR is that the petitioner has raised lalkara and gave Iron Punch upon the left side of the head of the complainant, whereas, there was minor scuffle between the petitioner and the complainant on parking of Activa

scooter in front of the house of the complainant. Learned counsel further contends that the petitioner is not involved in any other case except the present one and he is ready and willing to join investigation.

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 20.12.2022.

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 ASI Sham Sunder 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.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the ad-interim order dated 11.11.2022 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

22.12.2022

Amandeep

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No