

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-47577-2019 (O&M)
Date of Decision:- 19.1.2022

Satnam Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 119, dated 20.9.2018, Police Station Jhunir, District Mansa, under Sections 341, 324, 323, 506, 148, 149 IPC, Sections 25 and 27 of Arms Act, 1959 (Section 326 IPC added later on).
2. At the time of issuance of notice of motion the following order was passed on 7.11.2019:

“It is contended by counsel for the petitioner that the case against the petitioner is concocted. The same has been

created by the complainant to wreak vengeance against the petitioner and his family. Earlier the brother of the petitioner was killed by the persons from the side of the complainant. For that those persons are facing murder trial. Just to put a pressure upon the petitioner and his family, the present case has been concocted.

Notice of motion for 24.03.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that as noticed in order dated 7.11.2019, the instant FIR was lodged solely with the aim of pressurizing the petitioner and also his father Prem Singh and uncle Tarsem Singh who were eye-witnesses in the matter pertaining to murder of petitioner's brother namely Sukhwinder Singh. Learned counsel has submitted that in any case the only injury attributed to the petitioner is an injury on the little finger of the complainant which later is stated to have been declared a 'grievous injury'.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is attributed a 'grievous injury', no case for grant of anticipatory bail is made out. Learned State counsel has however, not disputed the fact that the petitioner's brother had been murdered by the complainant side. It has been informed that pursuant to interim directions, the petitioner has since joined investigation and that his

custodial interrogation is not required. It has also been informed that the petitioner happens to be involved in three other cases.

5. In view of the aforestated position wherein it is found that the petitioner's brother had been murdered by the complainant side on an earlier occasion regarding which the trial is still pending and while also noticing that the petitioner, pursuant to interim directions has since joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 7.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.1.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No