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

CRM-M-56162-2022 (O&M)

Date of Decision: 16.12.2022

SATPAL SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ramandeep, 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.0242 dated 26.10.2022 registered under Sections 341, 323, 324 and 148 read with Section 149 of Indian Penal code, 1860 (offence under Section 326 IPC added later on) at Police Station Samana, District Patiala (Punjab).

On 02.12.2022, 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.0242 dated 26.10.2022 registered under Sections 341, 323, 324 and 148 read with Section 149 of Indian Penal Code, 1860 (offence under Section 326 IPC added later on) at Police Station Samana, District Patiala (Punjab).

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has falsely been implicated in the present case and there is an unexplained delay of one day in registering the FIR in question. He further submits that no injury, whatsoever, has been attributed to the petitioner. He

further submits that the injury, on the basis of which, the offence under Section 326 of the Indian Penal Code has been added, has been attributed to co-accused of the petitioner namely, Happy @ Jarnail Singh. Learned counsel also submits that the FIR in question is nothing but a counter blast to FIR No.249 dated 31.10.2021 under Sections 307, 323, 324, 506, 148 read with Section 149 IPC and Section 25 of the Arms Act, which was registered at the behest of wife of co-accused of the petitioner namely, Happy @ Jarnail Singh. It is submitted that the present FIR has been registered only to pressurize the petitioner and his co-accused to enter into compromise in the FIR registered by wife of Happy @ Jarnail Singh, co-accused of the petitioner. Learned counsel further submits that the bail application filed by the petitioner under Section 438 of the Code of Criminal Procedure has been wrongly declined by the learned Sessions Judge, Patiala vide order dated 22.11.2022 (Annexure P-3). He also submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Vinay Kumar Gupta, Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to get instructions in the case.

Adjourned to 16.12.2022.”

In pursuance to notice of motion order in the present case, learned State counsel has appeared and opposed the bail of the petitioner by submitting that the offence is serious in nature. However, it is not denied that there is no other case pending against the petitioner except the present one i.e. FIR No.0242 dated 26.10.2022 registered under Sections 341, 323, 324 and 148 read with Section 149 of Indian Penal code, 1860 (offence under Section 326 IPC added later on) at Police Station Samana, District Patiala

(Punjab).

I have heard learned counsel for the parties and have perused the paper book with their able assistance.

Keeping in view the facts and circumstances that the main injury i.e. on the basis of which, Section 326 IPC has been invoked, is attributed to co-accused namely Happy @ Jarnail Singh and no other case except the present one, is pending against the petitioner, I deem it appropriate to grant anticipatory bail to the petitioner with a direction to him to join the investigation. In the event of his arrest, he shall be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. 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) of the Cr.P.C.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

It is made clear that in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

The petition is accordingly disposed of.

16.12.2022
Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No