

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

CRM-M-1429-2023

Date of Decision: 24.04.2023

Partap Singh @ Punjab

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rishu Mahajan Advocate
for the petitioner.

Mr. Subhash Godara, Additional, A.G., Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.258, dated 18.09.2022, registered under Sections 148, 149, 307, 324, 323, 341, 506 and 120-B of the Indian Penal Code, at Police Station Jandiala, Amritsar.

On 27.02.2023 the following order was passed by this Court :-

“Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No. 258 dated 18.09.2022, registered under Sections 307, 324, 323, 341, 506, 148, 149 and 120-B of the Indian penal Code, 1860, registered at Police Station Jandiala, Amritsar.

Succinctly, the above-said case FIR was registered on the basis of statement of one Manprit Singh @ Joban son of Jaswant Singh, who had stated that he is working as a labourer and on 17.09.2022 at about 10:00-10:30 AM, he was present at his house when he received a phone call from his friend Robindeep Singh @ Robin, who informed the complainant that he has been cordoned by Sunny Singh son of Harbhag Singh @ Bhaga, Raja son of Shamsher Singh @ Rinku, residents of Meharbanpura at Bus Stand Meharbanpur and he asked the complainant to reach there. When complainant reached there then he came to know that Robin

has gone towards Coca Cola Factory and when the complainant reached there then his friends Gurbaksh Singh and Satnam Singh were already present there and they saw that Akashdeep @ Kuja son of Heera having a sword, Mann Singh @ Manna son of Jagir Singh having a sword, Kahan Singh @ Kahna son of Jagir having a sword, Sunny Singh son of Harbhag Singh empty handed, Manna son of Mohinder Singh empty handed. Partap Singh @ Punjab (Petitioner) son of Amrik Singh having an iron rod, all residents of Meharbanpura and aforementioned Raja was on separate motorcycle and all of them had surrounded his friend Robin. It is alleged in FIR that aforementioned persons inflicted injuries on the complainant and his friends, whereupon they were got admitted in hospital and thereafter the aforesaid FIR (Annexure P-1) was registered.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that in the FIR the petitioner is alleged to be present at the spot with an iron rod however no injury has been attributed to him in the FIR. Learned counsel for the Petitioner submits that the offence under section 307 has been wrongly invoked in this case although there is no supporting medical evidence in that regard. It is further submitted that the Petitioner has been nominated as an accused only on account of party faction in the village, whereas the petitioner has no concern with the alleged crime. It is further submitted that the application for anticipatory bail moved by the Petitioner has been wrongly dismissed by the learned Additional Sessions Judge, Amritsar vide its order dated 13.12.2022 (Annexure P-2). Learned counsel further 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.

Per contra, learned counsel appearing for the State opposes the petitioner's anticipatory bail on the ground of seriousness of offence. However, it is not disputed by the learned State counsel that although in the FIR the petitioner is stated to be present at the spot with an iron rod but no specific role has been attributed to him in the FIR. While referring to Status Report filed by State, it is also not disputed that the injuries alleged to be inflicted by the Petitioner on Robindeep Singh are simple in nature.

List on 24.04.2023.

Without commenting anything on the merits of the case, Petitioner is directed to join the investigation as and when directed by the investigating agency and in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioner 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 Baldev Singh has not disputed the aforesaid fact of joining of 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 at this stage, the present petition is allowed and the ad-interim order dated 27.02.2023 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.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

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 anticipatory bail at this stage.

The petition is accordingly disposed of.

24.04.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No