

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

209

CRM-M-1147-2023

Date of Decision: 23.03.2023

Palwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. B.D. Sharma, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Tajinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

Status report by way of affidavit dated 23.03.2023 of Parvesh Chopra, P.P.S., Deputy Superintendent of Police, Sub-Division Attari, Amritsar-Rural filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

On 11.01.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in cross case No.007 dated 30.09.2018 under Sections 326 and 34 of IPC (Annexure P-2) in FIR No.194 dated 08.11.2017 under Sections 323, 354, 452, 148 and 149 of IPC, 1860 registered at Police Station Lopoke, District Amritsar Rural (Annexure P-1).

Learned counsel for the petitioner inter alia contends that petitioner has been implicated by way of cross version of the complainant. The petitioner lodged FIR on 08.11.2017 qua incident of 07.11.2017 and for the same incident, the complainant has lodged cross case on 30.09.2018. The Police Authorities have added G.D No.7 dated 30.09.2018 in FIR No.194 dated 08.11.2017 lodged by the petitioner. The petitioner is innocent person and he has not committed the alleged offence which is evident from the fact that wife and brother of petitioner have declared innocent. The petitioner is not involved in any other offence. The petitioner is permanent resident of District Amritsar and staying with his family members. The petitioner is ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion returnable for 24.02.2023.

Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, seeks time to file status report. Meantime, keeping in mind law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, Arnesh Kumar V. State of

Bihar (2014) 8 SCC 273, at the first instance, the petitioner is directed to appear before investigation officer on 19.01.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court”

Learned State counsel, on instructions from SI Tajinder Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

23.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>