

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

**CRM-M-1431-2023 (O&M)
Date of decision : 05.07.2023**

Akashdeep Singh @ Akash @ Gandhi @ Kalu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.260 dated 28.10.2022, under Sections 323, 336, 148, 149 of the Indian Penal Code, 1860 (*for short 'the IPC'*) and Section 25 of the Arms Act, 1959, registered at Police Station Chheharta, Amritsar City, District Amritsar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Kashmir Singh @ Bau to the effect that on 25.10.2022 at 10:30 PM, he came back home after performing the agricultural work. Complainant came to know that his nephew Shamsheer Singh @ Babu had a fight with someone in the street. Thereafter, he went to the house of his brother-Amrik Singh to enquire the same. When complainant came out of the house of his brother, then in the street, Akash @ Gandhi @ Kalu, armed with Iron *Gandasa* (fixing *Garari* of the bicycle); Prince @ Radha, armed with Hockey; Sucha Singh, armed with *Danda*; Gurdas Singh, Satnam Singh @ Dayal Singh & Gurbaj Singh, all empty handed were standing there. Out of them, Gurbaj Singh raised lalkara that catch hold the complainant for helping his brother; Satnam Singh embraced him; Akash @ Gandhi attacked the complainant thrice with Iron *Gandasa* on his head as well as face and Prince @ Radha attacked with Hockey and Sucha Singh gave beatings with *Danda*. Five-Six unknown persons, armed with different weapon including Pistol, started abusing the complainant party and one of them fired gun shot in the air. Thereafter, complainant raised voice, hearing which, his other family members reached at the spot. On seeing them, accused persons fled away from there. Hence, the present case.

(3) The Coordinate Bench, vide order dated 17.01.2023, granted interim bail to petitioner and the same reads as under:-

“In compliance of the order dated 12.01.2023, learned State counsel has filed reply by way of affidavit of Kanwalpreet Singh, PPS, Assistant Commissioner of Police, West Amritsar-City, same is taken on record.

Learned counsel for the petitioner contends that injury attributed to the petitioner is simple in nature and only offence under the Arms Act is non-bailable in nature which is attributed to some unknown person as per version of the complainant. It is submitted that co-accused Prince has been granted concession of interim anticipatory bail vide order dated 05.12.2022 (Annexure P-2) passed by the Additional Sessions Judge, Amritsar and subsequently the same order was made absolute vide order dated 12.12.2022 and co-accused namely Sucha Singh, Gurbaj Singh and Satnam Singh have also been granted the concession of anticipatory bail vide Annexures P-4 to P-6. Learned counsel further submits that no custodial interrogation of the petitioner is required as nothing is to be recovered from him and he is ready to join the investigation.

Notice of motion.

Mr. Sandeep Kumar, DAG Punjab, who is present in the Court, accepts notice on the asking of the Court and could not dispute the fact that injury attributed to the petitioner is simple in nature.

Adjourned to 13.04.2023.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal bonds and surety bonds 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.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Manjeet Singh and further stated that custodial interrogation of the petitioner is not required at this stage.

- (6) In view of above, interim order dated 17.01.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) Disposed off accordingly.

July 5th, 2023
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(MAHABIR SINGH SINDHU)
JUDGE

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