

209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-2383-2023
Date of Decision: 15.03.2023

Major Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Navjot Singh, Advocate
for the petitioner.

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

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.245 dated 14.10.2022, under Sections 120-B, 148, 149, 323, 341 and 506 of the Indian Penal Code (Section 379-B of the Indian Penal Code, added later on), registered at Police Station Dharamkot, District Moga, Punjab.

On 17.01.2023, 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.245 dated 14.10.2022, registered under Sections 341, 323, 506, 120-B, 148, 149 of the Indian Penal Code (offence under Section 379-B of the Indian Penal Code added later on) at Police Station Dharamkot, District Moga (Punjab).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the

present FIR, which is nothing but a counter-blast to the complaint filed by Parkash Singh and Harman Singh against the complainant. He further submits that the offence under Section 379-B of the Indian Penal Code, has been added lateron just to make it non-bailable, whereas, there is no such allegation against the petitioner as the pistol of the complainant has already been deposited with the police by Sarpanch of the Village. Learned counsel further submits that on the basis of similar allegations, co-accused of the petitioner has been granted interim bail by the Co-ordinate Bench of this Court in CRM-M-53773-2022 vide order dated 21.11.2022 (Annexure P-4). Learned counsel also submitted 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 opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence but he has not denied the factum regarding releasing of co-accused of the petitioner on interim bail by the Co-ordinate Bench of this Court.

List on 15.03.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

Learned counsel for the petitioner submits that pursuant to the

aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Manjit Singh, has not disputed the aforesaid fact of joining the investigation by 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, order dated 17.01.2023, 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) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

15.03.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No