

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

(Sr. No. 202)

**CRM-M No. 3371 of 2023
Date of decision : 10.04.2023**

Gursewak Singh @ Sewaki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Simranjit Singh, Advocate for the petitioner.
Mr. A.P.S. Tung, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 86 dated 26.07.2022 registered under Sections 307, 120-B, 148, 149 IPC and Section 25 of the Arms Act at Police Station Doraha, District Khanna.

On 23.01.2023, this Court had passed the following order : -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal antecedents; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the petitioner, complainant and coaccused Pawandeep Singh and Billa were friends; during one of their meetings co-accused Billa and Pawandeep Singh had a fight and when the complainant tried to intervene the pistol in the hand of Pawandeep Singh fired hitting the complainant on his ankle; the petitioner had no role to play in the complainant getting injured; in fact, it was the petitioner who took the injured -complainant to the hospital for treatment; there is no evidence whatsoever of

any conspiracy between the petitioner and his co-accused to inflict any injury on the complainant; there is also no evidence of any motive on the part of the petitioner to cause any harm to the complainant; no recovery is required to be made from the petitioner and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr.Arun Luthra, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 10.04.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.86, dated 26.07.2022, registered under Sections 307, 120-B, 148, 149 IPC and Section 25 of Arms Act, 1959 at Police Station Doraha, District Khanna, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer."

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 23.01.2023 granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

10.04.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No