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

CRM-M-3406-2023
Date of Decision: 28.03.2023

Gurpreet Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, 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.169 dated 18.09.2022, registered under Section 115 of the Indian Penal Code (Section 120-B IPC added later on), at Police Station Kotbhai, District Sri Muktsar Sahib.

On 07.02.2023 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.169 dated 18.09.2022 registered under Section 115 of the Indian Penal Code, (120-B added later on) registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Status report by way of affidavit dated 07.02.2023 of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib on behalf of State of

Punjab/respondent is filed by the learned State counsel in Court today and the same is taken on record, subject to all just exceptions. Copy of same is supplied to learned counsel for the petitioner in Court today itself.

Learned counsel for the petitioner submits that the FIR has been registered on the statement of one Jaskaran Singh. It is submitted that a bare perusal of the FIR reveals that complainant happens to be at a Dhaba, where he overheard 2 persons namely Jaspal Singh @ Pappa and Rampreet Singh, who were talking to each other. It is further alleged by the complainant that one of the person was saying to another that he has paid a sum of Rs. 5.70 lacs to him to eliminate Bhinder Singh, Ravinder Singh-son of Bhinder Singh and Harpreet Singh- nephew of Bhinder Singh and till date the work has not been done and then the other person said that the total amount agreed was Rs.10 lacs and he shall not do anything till the entire amount is received. It is further alleged that the other person stated to the first person that Gurpreet Singh has been asked to arrange for a weapon. It is further stated by the complainant that while these persons were about to leave, he saw and recognized them. Learned counsel submits that as far as the petitioner is concerned, he was admittedly not even present at the said Dhaba where the complainant is alleged to have overheard some conversation. It is further submitted that the identity of the petitioner is not certain and moreover, the allegation against the petitioner was purely on hearsay basis. Learned counsel further submits that it is a case where no injury has been caused to any person nor any overt act has taken place. Learned counsel for the petitioner submits that the bail application moved by him under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Additional Sessions Judge, Sri Muktsar Sahib, vide its order dated 07.10.2022. 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 or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence, however, it is not disputed that no injury has been caused to any person nor any overt act has taken place.

List on 28.03.2023.

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."

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 Karnail 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 07.02.2023 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.

28.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No