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

**CRM-M-3638-2022
Date of Decision: 25.01.2023**

Jarman Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.161 dated 04.05.2021 (Annexure P-1), under Sections 148, 149, 323, 324, 326 and 452 IPC, registered at Police Station Ajnala, District Amritsar.

On 31.01.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Through Video Conferencing

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and it was a case of version and cross version and a fight took place between the parties for the reason of Sarpanch election and both the parties belong to different groups and it is yet to be determined as to who was the aggressor party. He further submitted that two persons belonging to the complainant party namely, Savinder Singh and Gulab Singh have been granted bail by this Court. He

further submitted that the petitioner is not involved in any other case.

Notice of motion.

Mr. Arun Kumar Kaundal, learned Deputy Advocate General, Punjab, accepts notice on behalf of State of Punjab and has submitted that there are total nine injuries, out of which one has been declared as grievous and one grievous injury has been attributable to the petitioner.

On a query being put to the learned State that there is any evidence to show who was the aggressor party, he prays for some time to file an affidavit.

The affidavit be filed before the next date of hearing with an advance copy to the learned counsel for the petitioner.

Adjourned to 12.07.2022.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Thereafter on 05.08.2022, it was submitted by learned counsel for the petitioner that the petitioner has joined the investigation in pursuance of order dated 31.01.2022, which fact was denied by learned State counsel and the following order was passed by a co-ordinate Bench of this Court:-

“Learned counsel for the petitioner has submitted that in pursuance of the order passed by this Court on 31.01.2022, the petitioner has joined investigation whereas learned State counsel has stated on instructions from A.S.I. Kewal Singh that the petitioner has not joined the investigation.

In view of the aforesaid dichotomous situation, the petitioner is again directed to join investigation and in case the police officer does not permit him to join investigation

then he shall be at liberty to move an appropriate application before the concerned Magistrate in this regard.

Adjourned to 13.12.2022.

Interim order to continue till the next date of hearing.”

Today, 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 Kewal 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 31.01.2022, passed by a co-ordinate Bench of 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 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.

25.01.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No