

202 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-4753-2023

Date of Decision: 20.04.2023

Khushpreet Singh @ Maggu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gaurav Sharma, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

Petitioner (Khushpreet Singh @ Maggu) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.186 dated 10.09.2022, under Sections 307, 323, 341, 506 read with Section 34 of the Indian Penal Code, registered at Police Station Sadar Dhuri, District Sangrur.

2. On 16.03.2023, 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. 186 dated 10.09.2022, registered under Sections 307, 341, 323, 506 read with Section 34 of Indian penal Code, registered at Police Station Sadar Dhuri, District Sangrur.

Upon issuance of notice in this case, a status report has been filed on behalf of State of Punjab, which was taken on record. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in

this case. It is submitted that the name of the petitioner has been wrongly mentioned in the FIR at the instance of complainant as the petitioner did not inflict any injury upon complainant Jasvir Singh S/o Baljinder Singh. It is submitted that even as per FIR, only one injury has been attributed to petitioner which is on left leg of one Govind Singh. Learned counsel for the petitioner has referred to para 5 of status report, which reads as under:-

“Then, Khuspreet Singh gave blow with stick to Govind Singh, which hit him on his leg and then Gobind Singh got off the motor cycle and fled away to the other side of the road (however, he was not admitted in any of the hospital, that is why, there is no medical record of his).”

It is contended that there is no medical record regarding the alleged injury attributed to petitioner. It is submitted that apart from present FIR, there was only one more case against petitioner i.e. FIR No.176 dated 17.08.2020, which was also quashed. It is further submitted that the application for bail moved by the petitioner has been wrongly dismissed by the learned Additional Sessions Judge, Sangrur vide its order dated 13.01.2023 (Annexure P-2). 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/trial Court.

Per contra, learned counsel appearing for the State opposes the petitioner's anticipatory bail on the ground of seriousness of offence. Learned State counsel further submits, while referring to Status Report filed by State, it is not disputed that the injuries alleged to be inflicted by the petitioner upon Govind Singh are simple in nature and there is no medical record available so far as injury to Govind Singh is concerned. It is also not disputed that as per FIR, no injury was inflicted on complainant by petitioner.

List on 20.04.2023.

Without commenting anything on the merits of the case,

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

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Jasvir 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.
5. Heard learned counsel for the parties.
6. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 16.03.2023, passed by this Court, is made absolute.
7. 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.
8. 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.
9. Present petition is accordingly disposed of.

20.04.2023*Apurva***(HARSH BUNGER)
JUDGE**

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