

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

203

CRM-M-6422-2021 (O&M)

Date of decision: 03.05.2023

GURMEET SINGH ALIAS MEET

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jasdeep Singh Gill, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

Mr. PBS Goraya, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 21.02.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.90 dated 06.07.2020, registered under Sections 302, 120-B, 148, 149 of the IPC and Sections 25/27/54/59 of the Arms Act at Police Station Gharinda, District Amritsar.

Learned counsel *inter alia* contends that the petitioner is sought to be implicated being a friend of co-accused Gurpreet Singh s/o Major Singh and on account of the fact that his mother, who is a Panch had participated in a compromise that was being tried to be got affected by the Panchayat between the two brothers i.e. complainant-Nirvail Singh and co-accused Major Singh. He is otherwise working as a helper in a medical shop. As per the FIR, the dispute between two brothers; Major Singh-co-accused and Nirvail Singh-complainant is with regard to the land. Wife of Major Singh, namely, Narinder Kaur, alleged to be armed with a wooden bat (*thapi*), their daughter-co-accused Sukhjit Kaur, and Gurjant Singh, who was involved based on supplementary statement dated 18.07.2020 of the complainant, were granted anticipatory bail, while their daughter-in-law, namely, Sandeep Kaur, was declared innocent. Co-accused-Sajjan Singh, who is similarly

placed as the petitioner, as was alleged to be armed with *gandasi*, was granted regular bail. The fatal shot is alleged to have been fired by co-accused Gurpreet Singh son of Major Singh, who is the nephew of complainant-Nirvail Singh and there was no other injury on the person of the deceased. He further submits that there was a delay of 5½ hours in reporting the matter to the Police, despite the Police Station being at a distance of 2 ½ km from the village. Petitioner is alleged to be armed with *datar*, however neither any injury nor overt act has been attributed to him. He is not involved in any other FIR. Though the present petition was pending before this Court, wherein notice was issued to the State, who had sought time to file reply, however, during pendency thereof, he was declared a proclaimed offender without complying with the mandatory provisions of Section 82 CrPC and the said order has been set aside by this Court vide order of even date. Learned counsel submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency and will cooperate. He undertakes that he shall not influence witnesses or hamper the investigation in any manner. He relies on the judgment passed by the Constitutional Bench of Hon'ble The Supreme Court of India in the case of **Sushila Aggarwal Vs. State (NCT of Delhi)**, 2020 (1) RCR (Criminal) 833.

Learned counsel for the State assisted by learned counsel for the complainant opposes the bail on the ground that the petitioner was declared a proclaimed offender.

Considering the submissions made above, the petitioner is directed to join the investigation on or before 28.02.2023. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C. He shall also join the investigation as and when required. The petitioner shall also abide by the following conditions:

1. The petitioner shall not directly or indirectly coerce, inducement, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
2. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
3. The petitioner shall not in any manner misuse his liberty.
4. The petitioner shall surrender his passport, if any.
5. Any infraction shall entail withdrawal of the benefit granted by this Court.

However, it is clarified that if the petitioner does not join

and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 03.05.2023.”

2. Learned counsel submits that in pursuance of the aforesaid order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 21.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

03.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No