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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 9381 of 2023(O&M)
Date of Decision :11.12.2023

TALWINDER SINGH @ SODHI

... Petitioner

Versus

STATE OF PUNJAB AND ANR

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.
Mr. Subhash Godara, Addl. AG. Punjab.
Mr. B.D. Sharma, Advocate for the respondent No.2.

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SANJIV BERRY, J.

Reply in the form of affidavit dated 16.10.2023 of Deputy Superintendent of Police, Detective (Cum) Sub Division Kartarpur, District Jalandhar (Rural) has been taken on record. Copy thereof has been supplied to the counsel opposite.

2 It is *inter alia* contended by learned counsel for the petitioner that the petitioner has joined investigation in the case, in compliance of the orders dated 22.02.2023 passed by this Hon'ble Court and as such prays for confirmation of bail thereof.

3. Learned State counsel on instructions from ASI Lakhwinderjit Singh has submitted that the petitioner has joined the investigation and not required for further investigation in the case.

4. Learned counsel for the complainant however has opposed the

bail application by arguing that five other cases have been registered against the petitioner and as such he is not entitled for grant of concession of anticipatory bail.

5. During the course of the proceedings following orders were passed on 22.02.2023 :-

“ This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.204 dated 18.12.2022 under Sections 323, 324, 34 IPC (Section 326 IPC added later on), registered at Police Station Kartarpur, District Jalandhar Rural.

Present case was registered on the statement of one Navjot Singh son of Santokh Singh with the allegations that on 10.12.2022 at about 08:30/09:30 pm, he was going from Kartarpur to Village Kahlwan for taking his friend Gurjit Singh in his Verna Car bearing No.PB-08-EF6600. When he reached near the turn towards the fields of Gurjit Singh, one I-20 car bearing registration No.PB-08-ES-2437 belonging to petitioner-Talwinder Singh of their village came there and Sukhwinder Singh and petitioner Talwinder Singh alighted from the same. They straightway attacked him. Petitioner gave dattar blow on his head, but it hit on the wrist of his right arm. Sukhwinder gave rod blow which rested near his back bone. Sukhwinder gave another rod blow on his head, but said blow hit on his back. He went towards the fields and saved himself. Then both the assailants ran away from the spot with their respective weapons.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and has been falsely implicated in the present case. There is unexplained delay of eight days in lodging the present FIR. He further submits that it is a case of version and cross-version. He further submits that alleged injury attributed to the petitioner is on non-vital part of the complainant. He further submits that earlier the petitioner was granted interim anticipatory bail and was directed to join the investigation in the present case by the Court of learned Additional Sessions Judge,

Jalandhar, vide order dated 18.01.2023 (Annexure P-5). However, he could not join the investigation as he was involved in one more case bearing FIR No.9 dated 20.01.2023 under Sections 323, 324, 341 and 34 IPC (Sections 307, 325 and 326 IPC added later on), registered at Police Station Kartarpur, District Jalandhar, by the cousin of the complainant. He submits that petitioner has been granted concession of interim anticipatory bail in FIR No.9 dated 20.01.2023 by a Co-ordinate Bench of this Court vide order dated 17.02.2023 passed in CRM-M-8710 of 2023. Learned counsel further submits that petitioner is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. B.D. Sharma, Advocate, accepts notice on behalf of respondent No.2 and files memorandum of appearance on his behalf, which is taken on record. He is directed to file his power of attorney on behalf of respondent No.2 in the registry before the next date of hearing.

Adjourned to 22.05.2023.

In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3) That the petitioner shall not leave India without prior permission of the court.*

Reply, if any, be filed in the meanwhile.”

6. Consequently, keeping in view the above facts and circumstances and the fact that the petitioner had joined investigation and not required for further investigation or custodial interrogation, the interim bail granted to the petitioner vide order dated 22.02.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.
7. The petitions stand allowed.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

11.12.2023

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i) Whether speaking/reasoned?

ii) Whether reportable?

(SANJIV BERRY)

JUDGE

Yes/No

Yes/No