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

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Date of Decision: 28.04.2023

Surjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Ms. Riffi Bala Birla, Advocate
for the petitioner.

Mr. Subhash Godara, Additional, A.G., 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.308, dated 18.12.2022, registered under Sections 341, 323, 506, 447, 511, 379-B, 148 and 149 of the Indian Penal Code, 1860, at Police Station Guruharshai, District Ferozepur (Annexure P-1).

2. On 28.02.2023 the following order was passed by this Court :-

“Present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.308 dated 18.12.2022 (Annexure P-1), under Sections 148, 149, 323, 341, 379-B, 447, 506 and 511 of the Indian Penal Code, registered at Police Station Guruharsahai, District Ferozepur.

Succinctly, facts of the case are that the aforesaid FIR (Annexure P-1) was registered at the behest of complainant, namely Karnail Singh s/o Mal Singh, on the allegations that on 15.12.2022, when the complainant was going towards his house

on his motorcycle, after withdrawing money from the Punjab National Bank, Guruharsahai, then petitioner armed with kappa along with Chiman Singh armed with gandasi, Pappu Singh armed with sotta, Baggu Singh armed with dang and four other unidentified persons, who were standing on the road, stopped the motorcycle of complainant and co-accused Chiman Singh raised lalkara that the complainant be caught and taught a lesson for filing Court case, whereupon co-accused Baggu Singh gave dang blow near left ear of the complainant; co-accused Chiman Singh gave thrust blow of gandasi on the neck of complainant; co-accused Pappu Singh gave sotta blow on the lips of complainant and petitioner gave kappa blow with its reverse side on the left eye of complainant, and thereafter petitioner along with other co-accused snatched the mobile phone of complainant and also took out his wallet containing currency notes of Rs.15,000/- and fled away from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that a bare perusal of present FIR (Annexure P-1) would show that there is a land dispute going on between the parties, which is regarding the possession of land measuring 1 kanal and 3 marlas, which is under the ownership of petitioner's mother (Pasho Bibi), and this FIR is a counter-blast of the said dispute, regarding which, a civil suit is also pending before the trial Court, Guruharsahai. Learned counsel for the petitioner contends that the petitioner has also filed representation dated 01.12.2022 (Annexure P-3), before the Senior Superintendent of Police, Ferozepur, with regard to the threat perceptions at the hands of complainant and his family members. It is stated that the anticipatory bail application moved by the petitioner before the Court of Sessions Judge, Ferozepur, has wrongly been dismissed, vide order dated 24.01.2023 (Annexure P-4). It is further stated that there is an unexplained delay of three days in lodging of the present FIR (Annexure P-1), which was also not considered by the Court below while deciding the bail application. It is contended that the present FIR (Annexure P-1) has been registered against the petitioner only to give a colour of criminal nature to the purely civil dispute. Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

At the asking of Court, Mr. Harjinder Singh Sidhu, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. Learned State counsel though opposes the plea of petitioner on the ground of seriousness of the offences, however,

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he prays for an accommodation to seek instructions and assist the Court in this matter.

List on 28.04.2023.

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 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) of the Code of Criminal Procedure.

Learned counsel for the petitioner is directed to supply complete copy of paper book to learned State counsel during the course of the day.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

4. Learned State counsel on instructions from ASI Atma 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.

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, the present petition is allowed and the ad-interim order dated 28.02.2023 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) Cr.P.C.

8. 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.

9. Nothing expressed here-in-above shall be construed to be an

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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.

10. The petition is accordingly disposed of.

28.04.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No