

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202 CRM-M-13092-2023 (O&M)
Date of decision: 15.09.2023

Tejinderpal Singh @ Labhi ..Petitioner

Versus

State of Punjab ..Respondent

CRM-M-20708-2023 (O&M)

Harmal Singh @ Honey ..Petitioner

Versus

State of Punjab ..Respondent

CRM-M-24448-2023 (O&M)

Husanpreet Singh @ Husan ..Petitioner

Versus

State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. SS Bhinder, Advocate and Mr. DS Bhinder, Advocate
for the petitioner in CRM-M-13092 & 24448-2023.

Mr. Surinder Kumar, Advocate for
Mr. Dhiraj Chawla, Advocate
for the petitioner in CRM-M-20708-2023.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 08.05.2023 (in CRM-M-13092 & 20708-2023) and 15.05.2023
(in CRM-M-24448-2023), this Court had passed the following orders:-

“xx xx

7.Tejinderpal Singh @ Labhi and Harmal Singh @ Honey-
petitioners are anticipatory bail in the case bearing FIR No.18
dated 03.02.2023 registered under Sections
458/323/506/148/149 IPC (Sections 325/201/ 216 IPC added
later on) at Police Station Tapa, District Barnala.

8. Reply by way of affidavit of Ravinder Singh, PPS, Deputy
Superintendent of Police, Sub Division, Tapa, District Barnala

on behalf of the respondent-State in CRM-M-20708-2023 has been filed and the same is taken on record.

9. Learned counsel for the petitioners contend that Harmal Singh petitioner has not been named in the FIR. As per the allegations, the injuries have been attributed on the person of Nirmal Singh-complainant, Avikaran Singh and Charanjit Singh. One injury on the person of Charanjit Singh is stated to be grievous in nature and has been sought to be attributed to Harmal Singh by means of baseball bat on the left shoulder. The detail of said injury was mentioned in the supplementary statement recorded after a lapse of period of 07 days. The injuries attributed to Tejinderpal Singh @ Labhi-petitioner are simple in nature. Avikaran Singh, injured had sustained one grievous injury on the left thumb which falls under Section 325 IPC and the same has been attributed to Husanpreet Singh-non applicant. The petitioners are not involved in any other case.

10. Adjourned to 15.09.2023.

11. Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

12. Photocopy of this order be placed on the file of other connected case.”

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.18 dated 03.02.2023 registered under Sections 458/323/506/148/149 IPC (Sections 325/201/216 IPC added later on) at Police Station Tapa, District Barnala.

2. Learned counsel for the petitioner contends that as per the allegations, Nirmal Singh-complainant, Avikaran Singh and Charanjit Singh had sustained injuries in the occurrence. The injury on the left thumb of Avikaran Singh alleged to have been caused by means of takua blow has been declared to be grievous in nature and falls under Section 325 IPC. As per the medical opinion, the injury has been caused by means of blunt weapon. All the other injuries on the person of three injured are simple in nature. The co-accused namely, Tejinderpal Singh @ Labhi and Harmal Singh @ Honey have been granted interim bail by this Court.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

5. Adjourned to 15.09.2023.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

7. To be heard along with CRM-M-13092-2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned orders, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

3. Learned State counsel on instructions from ASI Gian Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. She also submits that at this stage, the petitioners are not required for any custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the cases, anticipatory bail petitions filed by the petitioners are allowed and the orders dated 08.05.2023 (in CRM-M-13092 & 20708-2023) and 15.05.2023 (in CRM-M-24448-2023) granting interim bail to them, are 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 petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

6. Photocopy of this order be placed on the connected files.

(AMAN CHAUDHARY)
JUDGE

15.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No