

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-16487 of 2022
DATE OF DECISION:-28.02.2023

Jagbir Singh @ Jagdeep Singh @ Bobby

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. N. S. Ludky, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

Ms. R. P. Kaur, Advocate, for the complainant.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.70 dated 09.03.2022 under Sections 307, 34, 506 and 341 IPC, 1860 and Sections 25 and 27 of Arms Act, registered at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

This Court, on 01.06.2022, passed the following order :

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.70 dated 09.03.2022, registered under Sections 307, 34, 506 and 341 IPC and Sections 25 and 27 of the Arms Act, at Police Station Sahnewal, District Police Commissionerate, Ludhiana.

Status report by way of an affidavit dated 31.05.2022 of the Assistant Commissioner of Police (South), Ludhiana, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioners submits that there is a delay of four days in lodging the FIR, inasmuch as, the occurrence took place on 05.03.2022, whereas the FIR was registered on 09.03.2022 and that it is a case of version and cross-version and it is yet to be ascertained as to which party was the aggressor one. He further submits that no injury has been attributed to the petitioner and that a

compromise has been effected between the parties.

Learned counsel for the complainant does not dispute the factum of compromise effected between the parties.

Adjourned to 12.10.2022.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

Learned counsel for the petitioner states that in pursuance of order dated 01.06.2022 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Gurmukh Singh, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 01.06.2022 is hereby absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

28.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No