

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

CRM-M-15909-2023

Date of Decision: 18.05.2023

Varinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. S.S. Maini, Advocate
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Varinder Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.208 dated 18.09.2022 (Annexure P-1), under Sections 148, 149, 323, 324 & 341 of the Indian Penal Code [Sections 326 & 307 of the Indian Penal Code, added later on vide DDR No.32 dated 22.09.2022 and DDR No.34 dated 02.12.2022 (Annexures P-2 and P-3)], registered at Police Station Bagapurana, District Moga.

2. On 29.03.2023, 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.208 dated 18.09.2022 (Annexure P-1), under Sections 148, 149, 323, 324 and 341 of the Indian Penal Code [Sections 326 and 307 of the Indian Penal Code, added later on vide DDR No.32 dated 22.09.2022 (Annexure P-2) and DDR No.34 dated 02.12.2022 (Annexure P-3)], registered at Police Station Bagapurana,

District Moga.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case as he was nominated in the present FIR (Annexure P-1) on the basis of disclosure statement of co-accused, namely Gobind Singh, vide DDR No.38 dated 15.11.2022. It is stated that the petitioner was not even associated in the enquiry of present complaint, which ultimately turned into FIR (Annexure P-1). It is pertinent to mention here that the alleged occurrence took place on 18.09.2022, however on 22.09.2022, the complainant developed his statement and stated the story of alleged incident by adding that the injuries were caused by the accused persons with the intension to kill him and resultantly, Section 307 of the Indian Penal Code was added in the present FIR (Annexure P-1). Learned counsel contends that the application for grant of anticipatory bail filed on behalf of the petitioner before the Court of Additional Sessions Judge, Moga, has been wrongly declined vide order dated 23.12.2022 (Annexure P-5). Learned counsel 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. Subhash Godara, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

List on 18.05.2023.

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.”

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.
4. Learned State counsel, on instructions from Assistant Sub Inspector Gurtej Singh, has not disputed the aforesaid fact of joining the investigation by 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, order dated 29.03.2023, 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) of the Code of Criminal Procedure.
8. It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
9. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.
10. Present petition is accordingly disposed of.

18.05.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No