

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

214

CRM-M-16656-2023
Date of decision: 11.09.2023

Gurbhej Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 10.04.2023, this Court had passed the following order:-

“The instant petition under Section 438Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.13, dated 06.02.2023, under Sections 323, 324, 427, 506,148,149of IPC, 1860 (Section 326of IPC added later on) registered at Police Station Sarai Amant Khan, District Tam Taran (Annexure P-1).

Learned counsel for the petitioner contends that the injury attributed to the petitioner on the forearm of the complainant with Kirpan Blow, though the said injury admittedly has been declared grievous in nature, but Section 326 has been added later on without any material on record to show that injury is actually grievous in nature.

Learned counsel for the petitioner further submits that co-accused persons have already been granted concession of anticipatory bail vide order dated 24.03.2023 passed by trial Court.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent-State, who does not controvert the above said fact.

Considering the aforesaid facts in totality, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 19.07.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Rajpal Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 10.04.2023 granting interim bail to him, is 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 petitioner fails 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 him.

(AMAN CHAUDHARY)
JUDGE

11.09.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No