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(2023:PHHC:126255}

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

CRM-M No.18333 of 2023

Date of Decision: 25.09.2023

Major Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1. While issuing notice of motion on 17.04.2023, the following order was passed:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.130, dated 03.11.2022, under Sections 324, 326, 506, 148, 149 IPC, registered at Police Station Bhindi Saidan, District Amritsar Rural. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that as per case of the prosecution, petitioner has been alleged to be armed with a Dattar and he has given a blow of the same on the left arm of the complainant. He submits that petitioner duly approached the Court of Additional Sessions Judge, Amritsar, for grant of anticipatory bail, however, the same was declined with erroneous observation that injury attributed to the petitioner falls under Section 326 IPC, however, as per MLR of the complainant, the injury attributed to the petitioner was declared simple. He submits that in the facts and circumstances, the petitioner deserves to be granted anticipatory bail.

Issue notice of motion.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 11.07.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join

investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

"(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court."

State is directed to file status report on or before the next date of hearing".

2. Today, Mr. Tarun Aggarwal, Sr. D.A.G., Punjab, on instructions from Lakhwinder Singh ASI has stated that pursuant to the order dated 17.04.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 17.04.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

5. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

6. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to

witnesses with a view to influence outcome of the investigation or trial.

- 7. Petition stands disposed off.
- 8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
- 9. Pending application(s), if any, shall also stand disposed of.

25.09.2023
Deepak Patwal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	