

204-1 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19030-2022
Date of Decision: 27.04.2023

Sukhpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vishal Mittal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARSH BUNGER J. (ORAL)

1. Petitioner (Sukhpreet Singh) has filed the present petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.116 dated 07.04.2022, under Section 307 read with Section 34 of the Indian Penal Code (Section 120-B of the Indian Penal Code, added later on) and Sections 25 & 27 of the Arms Act, registered at Police Station City Faridkot, Tehsil and District Faridkot, Punjab.

2. On 25.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“This petition is filed seeking anticipatory bail in case FIR No. 116, dated 7th April, 2022, under Sections 307/34 IPC (Section 120-B IPC added later on) read with Section 25/27 Arms Act, registered at Police Station City Faridkot.

The FIR was registered at the instance of complainant Sandeep Singh @ Mani. As per the allegations on 7th April, 2022, he along with his cousins were coming back

after attending a birthday party. They were travelling in a Scorpio car bearing registration No. PB62B0058. At about 12:22 PM, they were attacked by three person riding a bullet motorcycle, fires were shot. After incident, the accused was able to flee. One of the motorcyclist was identified as Vicky, other two were with muffled faces.

Learned counsel for the petitioner submits that it is a case of false implication, petitioner's name was surfaced in a disclosure statement. No proof was found at the place of occurrence there was a firing incident. Petitioner is not involved in any other case.

Learned State counsel on instructions from ASI Beant Singh opposes the prayer for bail and submits that petitioner was specifically named by the co-accused and the allegations are serious in nature. However, he is not able to refute the contention raised by learned counsel for the petitioner that no evidence from the inspection of the vehicle or of the spot was collected to show that firing had taken place.

Without commenting upon the merits of the case, considering the nature of allegations and the pleadings in reply filed that no evidence was found to support the allegations of firing, petitioner's name surfaced in a disclosure statement and he has no criminal antecedents, petitioner is granted interim bail subject to his joining investigation within ten days. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

List on 26th August, 2022.”

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 Karamjit 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 25.07.2022, passed by a co-ordinate Bench of 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.

27.04.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No