

CRM-M-18331-2023
Date of Decision:29.05.2023

JEETU SINGH ALIAS MALKIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sumeetpal Singh Sidhu, Advocate
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioner in case FIR No.172 dated 18.12.2022 registered under Sections 452/325/323/148 and 149 of Indian Penal code (Section 326 IPC added later on vide DDR No.36 dated 31.12.2022), registered at Police Station Raman, District Bathinda.

On 17.04.2023, the following order was passed by this Court :-

“This is the second petition, filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of pre-arrest bail to the petitioner, in case FIR No.0172 dated 18.12.2022 (Annexure P-1), registered under Sections 452, 325, 323, 148 and 149 of the Indian Penal Code, 1860 (Section 326 of the Indian Penal Code, added later on vide DDR No.36 dated 31.12.2022), at Police Station Raman, Tehsil and District Bathinda.

2. Learned counsel for the petitioner submits that the petitioner earlier applied for anticipatory bail before this Court vide CRM- M-1184-2023, whereby, he was granted interim relief vide order dated 11.01.2023 and thereafter, an application (CRM-4690-2023) for adding the offence under Section 326 of the Indian Penal Code, was moved, however CRM-M-1184-2023 was subsequently withdrawn vide order dated 03.02.2023 with liberty to file a fresh one, at the first instance *approaching the trial Court after mentioning all the relevant sections.*

3. *Learned counsel further submits that the offence under Section 326 of the Indian Penal Code, has been added on account of injury sustained by Modan Singh, whereas, the contents of the FIR shows that the petitioner was allegedly armed with wooden stick (ghota) and has allegedly caused injury to Gurdev Kaur on her left thigh and petitioner is not stated to have given any injury to Modan Singh; thus added offence under Section 326 of the Indian Penal Code, is not linked with the petitioner. It is submitted that the bail application moved by the petitioner before the learned Additional Sessions Judge, Bathinda, has wrongly been dismissed vide order dated*

01.04.2023 (Annexure P-5). It is also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency.

4. *Notice of motion.*

5. *On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to get instructions in this matter.*

6. *List on 29.05.2023.*

7. *In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.*

8. *A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day.”*

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Karamjit Singh has not disputed the aforesaid fact of joining the investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, at this stage the present petition is allowed and the ad-interim order dated 17.04.2023 passed by this Court is made absolute.

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) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions made 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.

Nothing expressed here-in-above 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 anticipatory bail at this stage.

The petition is accordingly disposed of.

(HARSH BUNGER)
JUDGE

29.05.2023
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No