

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21096-2021 (O&M)
Date of Decision:-21.2.2023

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamal. K. Sharma, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by Sub Inspector Subash Chander.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.106, dated 17.10.2020 at Police Station Singh Bhagwantpur, under Sections 323, 324, 452, 34 of Indian Penal Code, wherein offence under Section 326 IPC was added later on.
2. The FIR was lodged at the instance of Jaspal Singh, wherein it is alleged that on 15.10.2020 when he was present in his house, then Maninder Singh, who was armed with a '*kirpan*' and Gopi, who was carrying an iron, entered in his house forcibly. It is alleged that Maninder Singh gave a blow with '*kirpan*' on complainant's head and another on his right arm. Gopi is stated to have inflicted a blow with iron rod on the chest of complainant. Though initially

the FIR was lodged for offences under Sections 323, 324, 452 read with Section 34 of Indian Penal Code but later on upon receipt of the medical opinion offence under Section 326 IPC was also added.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that in any case the petitioner was carrying a blunt edged weapon in the nature of an iron rod, whereas it is the co-accused, who was carrying a sword and who had inflicted injury on the vital part of injured.
4. Vide order dated 28.5.2021, this Court while issuing notice of motion had ordered for release of the petitioner on interim bail and had also directed the petitioner to join investigation.
5. Learned State counsel, upon instructions from Sub Inspector Subash Chander, has informed that pursuant to interim directions issued by this Court the petitioner has joined investigation and is not required for any custodial interrogation. It has also been informed that though the complainant expired after about 1 year and 4 months of the alleged occurrence but the said death is not in any way relatable to the occurrence in question and the prosecution does not intend to add any offence in the nature of Sections 302/308 IPC.
6. This Court has considered the rival submissions addressed before this Court.
7. Having regard to the facts and circumstances of the case and the fact that the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 28.5.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and

when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

21.2.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No