

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-18732-2023

Date of decision: 20.09.2023

Jagdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. M.S. Viridi, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.70 dated 17.05.2022 under Sections 302, 379-B, 511, 323 and 34 IPC and Sections 25 and 27 of the Arms Act registered at Police Station Chattiwind, District Amritsar Rural.

2. On 01.06.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner contends that Sukhdeep Singh complainant alongwith the petitioner and his brother-in-law, namely, Charanpreet Singh were travelling in a car. Some unknown persons in muffled faces waylaid and fired upon them. It resulted in the death of Charanpreet Singh and injuries on the person of the petitioner. After a period of 08 months, the petitioner has been sought to be implicated in the instant case on the basis of an extra judicial confession alleged to have been made by him before the father of the deceased. It has been further submitted that even the petitioner had sustained

head injuries in the occurrence and remained admitted in the hospital.”

3. Learned counsel for the petitioner submits that in compliance of order dated 01.06.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation. It has not been disputed that it was after 8 months of the occurrence in question, the petitioner was nominated as an accused on the basis of an alleged extra judicial concession suffered by the petitioner before the father of the deceased. However, he submits that the petitioner has not fully cooperated during investigation as he had not disclosed the name of the person who had fired at the deceased and him.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances of the case in hand, once the petitioner has joined investigation in compliance of order dated 01.06.2023, he cannot be denied the concession of anticipatory bail, by merely saying that he was not cooperating by not disclosing the name of the person who allegedly fired at him and the deceased.

7. Without commenting upon the merits of the case, the petition is allowed and interim order dated 01.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

20.09.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No