

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201 (IV)

CRM-M-21584-2022 (O&M)

Date of decision: 05.05.2023

GURPREET SINGH BEDI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Aayush Gupta, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 26.08.2022, this Court had passed the following order:-

“Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No. 19 dated 24.02.2022, registered under Sections 379-B, 323, 295-A, 506, 148, 149 IPC and Section 66 (E) of the Information Technology Act, 2000, at Police Station Dugri, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that it is a case of version and cross-version; that a cross-case bearing DDR No. 19 dated 04.03.2022, under Sections 295-A, 323, 324, 506, 148 and 149 IPC, was got registered on the statement of Kamalpreet Singh Bedi; that as a result of scuffle between the parties, turbans of the complainant and the co-accused came off and that co-accused have already been granted ad interim anticipatory bail.

Vide order dated 19.05.2022 passed by this Court, the arrest of the petitioner was stayed.

Learned State counsel submits that at this stage, it is not possible to pin-point that as to who, out of the accused, has taken away the turbans of Gurinderpal Singh and Baljinder Singh Matharu.

Adjourned to 21.09.2022.

Since the concession of ad interim anticipatory bail has already been granted to the co-accused, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. ”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Dhanwant Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation and a cancellation report has been prepared which shall be submitted before the Court of competent jurisdiction.

4. Learned counsel for the complainant submits that the enquiry before the State Crime is pending.

5. In rebuttal, learned counsel for the petitioner relies on an affidavit filed by the Commissioner of Police, Ludhiana dated 15.03.2023 in a contempt petition bearing No.COCP-2516-2022 categorically stating that a SIT was constituted, which has cancelled the FIR. Consequent thereto, the contempt petition was also dismissed vide order dated 20.03.2023.

6. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 26.08.2022 granting interim bail to him, is hereby made absolute,

subject to compliance of conditions as specified under Section 438(2) Cr.P.C

7. However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

May 05, 2023
M.Kamra

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