

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25873-2021

Date of Decision: 11.05.2023

HARJEET SINGH ALIAS BURSH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.K.Singla, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 23.01.2023, following order was passed:

“Short reply by way of affidavit of Sanjeev Goyal, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa on behalf of the respondent-State has been filed and the same is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case DDR No.49 dated 07.03.2021 registered under Sections 307/427 and 34 IPC to which offences under Sections 25 and 27 of the Arms Act, 1949 were added later on, in FIR No.34 dated 06.03.2021 under Sections 307 and 34 IPC at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner contends that FIR bearing No.34 dated 06.03.2021 with regard for the offence under Section 307 read with Section 34 IPC was registered at Police Station Bhikhi, District Mansa on the basis of the statement of Jagjeet Singh, brother of the petitioner against Pamma Singh and Harpal Singh @ Babbu on the allegations that Harpal Singh @ Babbu had fired gun shot but the brother of the petitioner moved the hand of the accused upward and the shot was misdirected. It has been further submitted that Harpal Singh @ Babbu was subsequently involved in a case under Section 302 IPC and on his arrest, a pistol was recovered from him. It has been further submitted that as a counterblast to the aforesaid FIR, a cross-version vide DDR No.49 dated 07.03.2021 in the FIR No.34 dated 06.03.2021 has been registered alleging that injuries were inflicted on the

person of Harpal Singh @ Babbu. Initially, the arrest of the petitioner was stayed in terms of order dated 08.07.2021. As per the reply, all the injuries on the person of Harpal Singh @ Babbu are simple in nature, the three other co-accused have been granted bail and challan qua them has also been presented in the Court.

Learned State counsel has not disputed the fact that the injuries on the person of the injured were simple in nature and further submitted that the petitioner is yet to join the investigation.

Adjourned to 11.05.2023.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Bhola Singh, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioner is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.01.2023 is made absolute.

11.05.2023

Janki

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No