

205-6

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23146-2022 (O&M)

Date of decision : 27.07.2023

Gurpreet Singh @ Soni

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ramandeep Kaur, Advocate for

Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. A.K. Khunger, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.17 dated 16.02.2022 under Sections 452, 395, 380, 354-B, 148, 149, 323, 427, 201 of the Indian Penal Code, 1860 (Section 379-B IPC added later on), registered at Police Station Bariwala, District Sri Muktsar Sahib.

2. On 18.11.2022 the following order was passed :

“Learned State counsel has submitted that no coercive action was ordered to be taken against the petitioner and there was no order for joining the investigation by them, hence, the case is still under investigation.

In these circumstances, the orders dated 30.03.2022, 06.04.2022, 21.04.2022, 11.05.2022, 12.05.2022 and 30.05.2022 passed in afore-mentioned petitions are modified to the extent that in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

(ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioners shall not leave India without prior permission of the court.

To come up on 7.3.2022.

A copy of this order be placed on the files of connected petition mentioned above. ”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has since joined investigation. It is further the contention of learned counsel that the petitioner was not named in the FIR and was only nominated after 11 days by way of a supplementary statement. It is further the contention that totally vague allegations have been made against the petitioner and that no specific role had been attributed to the

petitioner in the present case and further that the petitioner has absolutely clean antecedents.

4. Learned counsel for the State, on instructions from ASI Rajbir Singh, has stated that the petitioner has joined investigation. Though learned State counsel has pointed out that recovery of weapon and stolen articles is yet to be effected, however, he is not in a position to deny the fact that there is no allegation in the supplementary statement also that the petitioner was armed and that the petitioner has absolutely clean antecedents.

5. In view of the above, the order dated 18.11.2022 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

27.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO