

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

257

2023:PHHC:096928

CRA-S-1328-2023

Date of decision: July 28th, 2023

Sourav Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Thakur, Advocate
for the appellant.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The instant appeal is against the order dated 25.04.2023 passed by learned Additional Sessions Judge, Pathankot, whereby, the anticipatory bail application of the present appellant has been dismissed in case of FIR No.42 dated 05.05.2022 registered under Sections 307, 324, 323, 379, 342, 427, 148 and 149 of IPC and Sections 3 and 4 of SC & ST Act (added later on) at Police Station Division No.1, Pathankot, District Pathankot.

Notice issued to respondents No.2 and 3 has been received back served but none has entered appearance on behalf of the said respondents.

Vide order dated 05.05.2023, the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

*“Learned counsel for the appellant, while
drawing the attention of this Court to the allegations*

levelled in the FIR in question, submits that the appellant was not even named in the FIR in question and subsequently, made an accused on the allegations that he had inflicted blow with a wicket on the back of the complainant, which, injury was opined to be simple in nature. He further submits that the injury inviting the mischief of Section 307 IPC has not been attributed to the appellant but to co-accused Sahil Thakur. It has also been submitted that the appellant did not have any alias much less by the name of Kalu, as had been observed by the trial Court, while passing the impugned order as he was only known as Sourav Singh.”

Learned counsel for the appellant submits that in compliance of order dated 05.05.2023, the appellant has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Shyam Lal, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation.

In view of the above, the appeal is allowed and impugned order dated 25.04.2023 passed by learned Additional Sessions Judge , Pathankot, is hereby set aside. Interim order dated 05.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

July 28th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No