

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-24449-2023

Date of Decision:31.07.2023

Bachan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by SI Manjeet Singh.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.128 dated 25.08.2021 registered under Sections 323, 324, 336, 506, 148, 149 of the IPC, 1860 and Section 27 of Arms Act 1959 (Sections 326, 325, 307, 308 of the IPC were added later on) registered at Police Station Raja Sansi, District Amritsar.

On 15.05.2023 following order was passed:

“Petitioner prays for grant of anticipatory bail in case FIR No.128, dated 25.08.2021, registered at Police Station Raja Sansi, District Amritsar, under Sections 323, 324, 336, 506, 148, 149 of IPC and Section 27 of the Arms Act, 1959 (Sections 326, 325 IPC added vide rapat No.23, dated 07.09.2021 and Sections 307 and 308 IPC added vide rapat No.24, dated 14.09.2021).

It is contended that though the alleged occurrence took place on 03.08.2021, but the FIR was lodged after a delay of 22 days i.e. on 25.08.2021. It is further contended that the only role attributed to the petitioner is to have raised lalkara to catch hold of the complainant party and only other role attributed to him is that he attacked with his dang hitting on the left eye of the complainant.

Learned counsel for the petitioner contends that the petitioner is an 80 years old person and that the matter has since been compromised between the parties, copy of which is placed on record as Annexure P-1.

Notice of motion. Mr. R.S. Khaira, DAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 31.07.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

On instructions from SI Manjeet Singh it is conceded by learned State counsel that petitioner has since joined the investigation. In view of the same and having regard to the factual position noticed earlier on 15.05.2023, the petition is allowed and the order dated 15.05.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 31, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No