

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

201

CRM-M-25534-2022

Date of Decision: 15.02.2023

Surinder Pal @ Deputy Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.J.S.Gill, Advocate
for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 02.06.2022, the following order was passed :-

“Learned counsel for the petitioner inter alia contends that the petitioner is the Panch of village Khalra Mandi; there was a dispute between Charanjit Singh and the complainant with regard to throwing of garbage and the petitioner was called to amicably resolve the dispute but since he sided with co-accused Charanjit Singh he has been falsely implicated in the present case; there is an unexplained delay of 03 days in lodging of the FIR; the petitioner has no other criminal case pending against him; no recovery is required to be made from the petitioner; there is no evidence whatsoever to connect the petitioner

with the crime he is accused of; the story of the prosecution is highly improbable as no Panch of a village would, in the presence of the complainant's parents and children, molest a lady and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Ms. Gunkirat Kaur, AAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 07.07.2022.

Till the adjourned date the petitioner's arrest is stayed.

Before the adjourned date the State shall file a status report in response to the afore submissions and the averments made in the petition and on consideration of which further orders will be passed in the present petition.”

The arrest was stayed but the petitioner was not directed to join the investigation. The petitioner vide order dated 31.10.2022 was directed to join investigation.

Learned State counsel on instructions from ASI Shalvinder Singh submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 31.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

15.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>