

CRM-M-27433-2022
CRM-M-27444-2022 AND
CRM-M-24313-2022

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-27433-2022
Date of decision: 11.04.2023

GURCHARAN SINGH @ MATTI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

AND

CRM-M-27444-2022

GURSEWAK SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

AND

CRM-M-24313-2022

SUKHJINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tarun Arora, Advocate for
Mr. Ferry Sofat, Advocate
for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. Aayush Gupta, Advocate
for the complainant.

AMAN CHAUDHARY. J.

Present petitions have been filed under Section 438 of the Code of
Criminal Procedure for grant of anticipatory bail in FIR No. 117 dated

16.07.2021, under Sections 326, 324, 341, 506, 148 and 149 IPC registered at Police Station Dehlon, District Ludhiana.

On 07.07.2022, this Court had passed the following order:-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.117 dated 16.07.2021, registered at Police Station Dehlon, Ludhiana, under Sections 326, 324, 341, 506, 148 and 149 IPC.

Learned counsel for the petitioner contends that it is a case of version and cross-version and initially, the petitioner had got registered an FIR against the complainant party for causing injuries, and that it is yet to be ascertained by the trial Court on the basis of evidence as to which party was the aggressor one; that there is a delay of 02 days in lodging the present FIR against the petitioner, and that although the petitioner was allegedly present at the spot at the time of occurrence, yet no injury has been attributed to him. Moreover, co-accused, namely, Ranveer Singh, Sukhjinder Singh and Butta Singh have since been granted the concession of ad interim pre-arrest bail by this Court.

Notice of motion.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice on behalf of the respondent-State, and seeks time to file the status report. On his request, adjourned to 10.11.2022.

Meanwhile, the petitioner is directed to join investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police. ”

Learned counsel for the petitioners submits that in pursuance of the above order, the petitioners have not only joined investigation but have also fully

cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners are allowed and the order dated 07.07.2022 granting interim bail to them, are hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioners fail to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

Photocopy of this order be placed on the files of other connected cases.

(AMAN CHAUDHARY)
JUDGE

11.04.2023

Mehak

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>