

CRM-9566-2023 in/and
CRM-M-28417-2022

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

CRM-9566-2023 in/and
CRM-M-28417-2022
Date of Decision: 28.02.2023

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rahul Arora, Advocate
for the applicant/petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

CRM-9566-2023:

Present application is filed for placing on record order dated 09.12.2022 passed in CRM-M-57589-2022 and judgment dated 09.02.2023 passed in CRM-M-60493-2022 as Annexures P-7 and P-8, respectively.

For the reasons mentioned in the application, order dated 09.12.2022 (Annexure P-7), passed by a co-ordinate Bench of this Court in CRM-M-57589-2022, i.e. the compromise quashing petition filed in present case FIR No.14 dated 07.03.2022, and judgment dated 09.02.2023 (Annexure P-8), passed by a co-ordinate Bench of this Court in CRM-M-60493-2022, granting the concession of regular bail to the petitioner herein in another case FIR No.154 dated 10.09.2022, which was

registered subsequently, against the petitioner, are taken on record, subject

to all just exceptions.

Application is accordingly disposed of.

CRM-M-28417-2022:

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.14 dated 07.03.2022 (Annexure P-1), under Sections 120-B & 336 of the Indian Penal Code read with Section 34 of the Indian Penal Code and Sections 25 & 27 of the Arms Act (Section 384 of the Indian Penal Code, added later on), registered at Police Station Ghall Khurd, District Ferozepur.

On 07.07.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.14 dated 07.03.2022, registered at Police Station Ghall Khurd, District Ferozepur, under Sections 336, 120-B and 34 IPC and Sections 25 and 27 of the Arms Act, 1959 (Section 384 IPC added later on).

Learned counsel for the petitioner submits that in the FIR, the petitioner was neither named nor any role was attributed to him; that at the initial stage, there was neither identification of the petitioner nor the vehicle in the form of registration number.

He further contends that the petitioner was granted the concession of ad interim bail by learned Addl. Sessions Judge, Ferozepur, on 30.05.2022 and that in pursuance thereof, the petitioner joined investigation on 04.06.2022 and 20.06.2022, and that however, learned Addl. Sessions Judge, Ferozepur, has dismissed the bail application of bail at a later stage merely on the ground that he had not cooperated in the investigation.

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 report. At this stage, Mr. Piyush Sharma, Advocate, puts in appearance and files his memo of appearance on behalf of the complainant.

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 petitioner submits that after grant of interim bail to the petitioner in this case on 07.07.2022, another case bearing FIR No.154 dated 10.09.2022, under Sections 115, 120-B & 302 of the Indian Penal Code and Section 25 of the Arms Act was registered against the petitioner at Police Station Nawanshahr, District S.B.S. Nagar, wherein the petitioner was arrested on 10.09.2022, however he has been granted the concession of regular bail in the said case FIR No.154 dated 10.09.2022, by a co-ordinate Bench of this Court, vide order dated 09.02.2023 passed in CRM-M-60493-2022. Learned counsel further submits that in the instant case FIR No.14 dated 07.03.2022 (Annexure P-1), even a compromise has been effected between the parties concerned and a compromise quashing petition has also been filed in that regard before this Court, wherein notice of motion has been issued.

Learned counsel for the petitioner further submits that pursuant to the order dated 07.07.2022, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub

Inspector Harpal Singh, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 07.07.2022, passed by a co-ordinate Bench of this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

28.02.2023

Apurva

**(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No