

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

**CRM-M-28341-2022
Date of Decision: 24.01.2023**

Jobanjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.92 dated 03.05.2022 (Annexure P-1), under Sections 148, 149, 323, 336, 427, 452 & 506 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station City Tarn Taran, District Tarn Taran.

On 17.08.2022, 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.92 dated 03.05.2022, registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 452, 336, 323, 427, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that as per the allegations, the petitioner was armed with pistol and fired two shots towards the complaint party, out of which one hit on the front tyre and second on the rear tyre of the tractor; that it is a case of no injury and that it was a property dispute between the complainant and co-accused, namely, Buta Singh.

He further submits that a DDR No. 37 dated 04.05.2022 under Sections 452, 336, 323, 427, 506, 148, 149 IPC and Sections 25, 27 of the Arms Act, also stands registered on the complaint of wife of co-accused Buta Singh against the complainant party. In FIR No. 247 dated 25.05.2018 and FIR No. 149 dated 30.05.2018, registered against the petitioner, he is on bail.

Adjourned to 24.01.2023.

Meanwhile, the petitioner is directed to join the 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) of the Code of Criminal Procedure.

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 pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Lakhwinder 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, the present petition is allowed and order dated 17.08.2022, 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) Cr.P.C.

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.

24.01.2023*Apurva***(HARSH BUNGER)
JUDGE**

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