

CRM-M-27538-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

[CRM-M-27538-2023](#)

Date of Decision:- 30.11.2023

Gurvinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Judgepreet Singh Warring, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

1. On 30.05.2023, this Court passed the following order:-

“Learned State counsel on instructions from ASI Agrez Singh at the outset has submitted that after registration of the FIR, the petitioner has been nominated in the FIR on the basis of GD No.09 dated 22.01.2023 and thereafter, vide GD No.26 dated 12.10.2020 offence under Section 120-B IPC has been added in the FIR (Annexure P-8).

In view of the same, the present FIR be read alongwith offence under Section 120-B IPC added vide GD No.26 dated 12.10.2020 as well.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.175 dated 30.08.2020, registered under Sections 302, 458, 323, 324, 171, 148, 149 IPC,

Section 325 IPC added lateron and Sections 25, 27 of Arms Act, 1959 (Section 120-B IPC added vide GD No.26 dated 12.10.2020, at Police Station Khuhi Khera, District Fazilka.

It has been contended by learned counsel for the petitioner that the petitioner was neither named in the FIR nor there is any role attributed to him in the same. He submits that the FIR was registered on 30.08.2020 and now vide DDR No.09, dated 22.01.2023, the petitioner has been nominated in this FIR. He submits that implication of the petitioner is after due deliberations and by adding Section 120-B IPC, the petitioner has been falsely roped in the present case. He submits that the petitioner had no complicity in the occurrence alleged and he has no criminal antecedents. He submits that neither any prima facie case is made out against the petitioner nor there is any case made out for his custodial interrogation, however, he is ready to join the investigation.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the State.

Adjourned to 12.09.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.

State is directed to file status report.”

2. Upon instructions from ASI, Ravi Kant, State counsel submits that petitioner has joined the investigation, though, he submits that recovery is to be effected from the petitioner. However, the stand being taken by the State counsel is at variance from the stand in the status report, where, there is no such submission.

3. In para 5 of the status report, it has been submitted that petitioner is accused of hatching a criminal conspiracy and killing Babber Singh and causing injuries to three other victims. It could not be disputed that the petitioner has neither been named in the FIR, Annexure P-1, nor in the supplementary statement of the complainant, and he has been arraigned as an accused on the basis of a report of the Special Investigation Team (SIT), which was submitted 2½ years after the alleged commission of the crime.

4. In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 30.05.2023 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal

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5. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

30.11.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No