

2023:PHHC:103331

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

281

CRA-S-1753-2023 (O&M)
Date of decision: 09.08.2023

Pardhan Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vikas Gupta, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY. J.

1. On 20.06.2023, this Court had passed the following order:-

“Challenge is to the impugned order dated 6th of June, 2023 passed by the Additional Sessions Judge, Tarn Taran in case FIR No.175 dated 10th of November, 2022 registered for the offences punishable under Sections 306/34 IPC, 1860 and Sections 3, 4 of SC/ST Act, 1989 (added later on vide DDR No.16 dated 15th of April, 2023), at Police Station Sirhali, District Tarn Taran whereby prayer of the appellant seeking anticipatory bail stands declined.

Counsel for the appellant *inter alia* relies upon pendency of CRA-S No.1740 of 2023 preferred by co-accused namely Gurmeet Singh wherein while granting interim protection, Co-ordinate Bench observed as under :

“The appellant is challenging the impugned order dated 06.06.2023 passed by the learned Additional Sessions Judge, Tarn Taran in case FIR No.175 dated 10.11.2022, registered under Sections 306/34 IPC and offence under Sections 3, 4 of SC/ST Act (Added later on vide DDR No.16 dated 15.04.2023, registered at Police Station Sirhali, District Tarn Taran) whereby prayer of the appellant seeking the concession of anticipatory bail was dismissed.

Learned counsel contends that the present FIR is a counter blast to the FIR lodged by the appellant against the son of the complainant and 14 other accused i.e. FIR No.71 dated 28.05.2021, registered under Sections 307, 506, 148, 149 IPC (offence under Section 302 IPC was added later on). Initially the present FIR was lodged under Sections 306 and 34 IPC, wherein the appellant was granted anticipatory bail by the trial Court vide

order dated 05.12.2022, Annexure P-2. It is thereafter, a supplementary statement was made by the complainant on 15.04.2023 after a delay of 5 months and 6 days, from the date of FIR and as per DDR No.16 dated 15.04.2023, Sections 3 and 4 of SC/ST Act were added, just by stating that some derogatory remarks were made and the caste certificate was submitted. It has only been done to make the offence seem graver. The appellant is not involved in any other case. He is ready and willing to join investigation as and when required by the investigating agency. In support of his arguments, learned counsel for the appellant has placed reliance upon the decision passed by this Court in **Saroj Devi vs. State of Haryana** in CRA-S-2410-2022 decided on 24.04.2023.

Notice of motion.

At the asking of the Court, Mr. Vinay Kumar Gupta, AAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the appellant is directed to join the investigation on or before 23.06.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the appellant does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 09.08.2023.”

Issue notice of motion returnable for 9th of August, 2023.

To be heard along with CRA-S No.1740 of 2023.

Mr. Harsimar S. Sitta, Dy. Advocate General, Punjab appears and accepts notice on behalf of the official respondents.

Interim order in the same terms as passed in CRA-S No.1740 of 2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the appellant has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the appellant to appear, he shall make himself available without demur.
3. Learned State counsel on instructions from ASI Gurdial Singh affirms the factum of joining the investigation by the appellant and cooperating

with the investigating agency. He also submits that at this stage, the appellant is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the appellant is allowed and the order dated 20.06.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C.

5. However, it is made clear that if the appellant fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

August 09, 2023
M.Kamra

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No