

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

205

CRM-M-32531-2022 (O&M)

Date of decision: 29.03.2023

GURPREET SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Hardik Ahluwalia, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Gurinder Pal Singh, Advocate for the complainant.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.55 dated 10.07.2022, under Sections 323, 324, 326, 452, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Kheri Gandian District Patiala.

On 27.07.2022, this Court had passed the following order:-

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.55 dated 10.07.2022, registered at Police Station Kheri Gandian, District Patiala, under Sections 323, 324, 452, 506 and 34 IPC.

Learned counsel for the petitioner submits that as per the prosecution version, the petitioner gave a lathi/baton blow on the head of the complainant, but the injury on his head had been caused with a sharpened weapon, which was not carried by the petitioner; that in fact, coaccused Harbhajan Singh, brother of the petitioner, was holding the sharp-edged weapon; that the petitioner has falsely been implicated in the present case, and that the petitioner is not on talking terms with the co-accused.

Notice of motion.

On the asking of this Court, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the respondent-State, and seeks time to file the status report.

Adjourned to 21.09.2022.

In the meantime, no coercive action shall be taken against the petitioner. ”

Learned counsel for the petitioner submits that in pursuance of order dated 27.07.2022 of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Sewa Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is 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 petitioner is allowed and the order dated 27.07.2022 granting interim bail to him, is 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 petitioner fails 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 him.

(AMAN CHAUDHARY)
JUDGE

March 29, 2023

S.Sharma(syr)

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