

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-31637 of 2023
Date of decision: 23.08.2023

KIRPAL SINGH

.... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Saransh Sabharwal, Advocate for the petitioner.

Ms. Ankita Ahuja, A.A.G., Haryana.

Mr. Saurabh Chawla, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The petition has been filed by the petitioner seeking anticipatory bail under Section 438 of Cr.P.C. in case bearing FIR No.128 dated 02.06.2023 registered under Sections 148, 149, 307, 323, 324, 506 of IPC (Section 324 of IPC added later on) at Police Station Raipur Rani, District Panchkula.
2. The aforementioned FIR has been registered on the basis of statement recorded by the complainant-Kulbir Singh on 02.06.2023 alleging therein that on 01.06.2023 at about 9:30 PM, his nephew namely, Robin @ Billa had telephonically informed that he had a verbal altercation with Karam, Harshdeep, Pradeep and Karan at a Bhandara which was arranged in his village. The complainant told his nephew to reach home and while he was waiting for his nephew and he was standing in the chowk near to his house alongwith his brothers namely Gurcharan Singh and Randhir Singh, the petitioner-Kirpal Singh along with co-accused Karam, Pradeep, Karan, Chota, Rubal, Jagtar, Jeet Ram, Sukhpreet and Happy with other 8-10 accomplices

reached there while being armed with weapons and opened an assault on them.

The complainant and his brothers sustained injuries at the hands of the assailants who also proclaimed that they would killed him. They were taken on the hospital and were medico-legally examined. They prayed for taking penal action against the culprits.

3. The petitioner had filed application for grant of anticipatory bail before the Court of Learned Additional Sessions Judge, Panchkula which had been dismissed vide order dated 22.06.2023 and thereafter this petition had been filed.

4. Learned counsel for the complainant has, vehemently argued that there are serious allegations against the petitioner; that he is a habitual offender and there are chances of his committing serious offences against the complainant or intimidating him, if extended benefit of anticipatory bail. Therefore, he stressed that the petition did not deserve to be allowed

5. Vide order dated 05.07.2023, the petitioner was directed to join the investigation.

6. Status report dated 22.08.2023 submitted by the respondent-State Counsel in Court today, is taken on record. As per which, the petitioner had joined the investigation on 05.08.2023; that no recovery is to be effected from him and that he had fully co-operated in the investigation proceedings.

7. Since the petitioner has already joined the investigation and his custodial interrogation is not required. Hence, taking into consideration the entire facts and circumstances of the case, this Court is of the opinion that it is a fit case for extending concession of anticipatory bail to the petitioner. Therefore, the petition as such is accepted and it is ordered that in the event of arrest, the petitioner shall be released on bail subject to her furnishing personal

bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon and shall cooperate with the Arresting/Investigating Officer and shall also be abide by the conditions as envisaged under Section 438(2) Cr.P.C.

23.08.2023
Jyoti-IV

(MANISHA BATRA)
JUDGE

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