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

CRM-M-37385-2022

Date of decision : 12.01.2023

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Hargun Sandhu, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

Mr. P.B.S. Goraya, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

This is the second petition filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in General Diary No.23 dated 14.11.2019 in FIR No.162 dated 01.09.2019 registered under Sections 307, 323, 324, 341, 506, 148, 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Ajnala, District Amritsar Rural.

On 23.08.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, Amrik Singh from the petitioner's side had got FIR No.162 dated 01.09.2019 registered in which, three persons have been injured and Amrik Singh had suffered fracture on lower end of left ulna alongwith foreign bodies and the said injury was declared as grievous in nature and even

Ranjeet Singh had suffered fracture of upper end of fibula of right leg and even the said injury is grievous in nature. It is further submitted that the incident had taken place on 31.08.2019 and the FIR was registered on 01.09.2019 whereas cross-version, in which, the petitioner has been made an accused had been registered on 14.11.2019 and in the cross-version, it has been stated that respectables were trying to affect the compromise between the two parties. It is contended that for a period of two years, the petitioner was never sought to be arrested and now, there is apprehension of the petitioner being arrested in the cross-version. It is further contended that although, as per the cross-version, the petitioner has been alleged to have inflicted gun shot injuries on the right leg of Satnam Singh, but the said injuries are simple injuries. It is further argued that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr. P.S. Grewal, DAG, Punjab, appears and accepts notice on behalf of the State and Mr. P.B.S. Goraya, Advocate has put in appearance on behalf of the complainant and have submitted that in the present case, the cancellation report has been submitted with respect to FIR and have thus, further submitted that the present case is not a case of version and cross-version.

Learned counsel for the petitioner, in rebuttal to the abovesaid argument, has submitted that the grievous injuries have been caused to the party of the present petitioner and even a petition had been filed by Amrik Singh, who has got the FIR No.162 registered, for a direction to the Senior Superintendent of Police, for conducting impartial investigation by way of constituting the Special Investigation Team and vide order dated 14.10.2019, the Coordinate Bench of this Court was pleased to direct SSP to look into the

grievance of the said Amrik Singh but however, the said grievance has not been redressed.

Adjourned to 29.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the State and complainant would be at liberty to produce on record all the relevant documents on the next date of hearing in order to show that the petitioner is not entitled for grant of anticipatory bail.”

Thereafter, on 07.12.2022, the following order was passed by this Court:-

“Learned State Counsel, on instructions from ASI Kewal Singh, has submitted that the petitioner has not joined the investigation.

Learned counsel for the petitioner prays for one last opportunity to join the investigation.

In view of the above, the petitioner is again directed to join the investigation before the concerned Investigating Officer on 20.12.2022 at 11:00 am.

Adjourned to 12.01.2023.

Interim order to continue till the next date of hearing.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has joined the investigation.

Learned counsel for the State has submitted that although, the

petitioner has joined the investigation but he is not cooperating with the investigation.

Learned counsel for the petitioner, in rebuttal, has reiterated the arguments which were raised on 23.08.2022 and has further submitted that the petitioner has also joined the investigation and it was stated that it was from the petitioner's side that FIR No.162 dated 01.09.2019 was registered, in which, three persons were injured and the cross-version, in which the petitioner has been made an accused, has been registered on 14.11.2019 i.e. after the delay of more than 2 months and 10 days and that for a period of two years, the petitioner was never sought to be arrested and even the injury which was attributed to the petitioner, as per the cross-version, is simple in nature.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 23.08.2022 and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 23.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

12.01.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**