IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-37550-2022 (O&M)
Date of decision: 29.03.2023

HARBHAJAN 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.

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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, 452, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Kheri Gandian District Patiala.

On 24.08.2022, 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 contends that the petitioner and the complainant belong to same village; that owing to some grudge, the complainant has falsely implicated the petitioner in the present case; that though injuries on the head and left hand of the complainant, caused with gandasi, have been attributed to the petitioner, yet the same have not been declared grievous in nature or dangerous to life.
>
> Notice of motion for 06.12.2022.
>
> Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating

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Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police."

Learned counsel for the petitioner submits that in pursuance of order dated 24.08.2022 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 24.08.2022 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)

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

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