

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

208

CRM-M-37351-2023

Date of decision: 05.10.2023

Harpreet Singh @ Beeta

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. APS Sandhu, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

AMAN CHAUDHARY, J.

1. On 02.08.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.8 dated 23.01.2023, registered under Sections 452, 323, 427, 148, 149 and 506 IPC (Section 326 IPC added later on) at Police Station Khlichian, District Amritsar.

Learned counsel contends that there is delay of 11 days in lodging the FIR. It is a case of version and cross version as on the statement of father of co-accused Akashdeep Singh, an FIR had been lodged against Lovepreet Singh vide Rapat No.31 dated 25.01.2023 wherein also Section 326 IPC had been added later on vide Rapat No.23 dated 18.02.2023. As per the FIR, attribution against the petitioner is of inflicting injury on the ear of Gurjeet Singh-complainant, which being blunt in nature, only attracts offence under Section 325 IPC. Insofar as the injury attracting offence under Section 326 IPC is concerned, the same is attributed to co-accused Akashdeep Singh and Varinder Singh. Co-accused Akashdeep Singh and Jobanjeet Singh @ Jobhi have been granted interim/anticipatory bail by this Court vide orders dated 21.07.2023 (Annexure P2) and 28.07.2023 (Annexure P3) respectively. Though the petitioner is involved in one more case, which is also registered by the son of the complainant, wherein he is on bail. He is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 16.08.2023. 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 petitioner 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 05.10.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioner has not only joined investigation but 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.

3. Learned State counsel on instructions from ASI Jivan Jyoti affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. She also submits that at this stage, the petitioner is not required for any 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 petitioner is allowed and the order dated 02.08.2023 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 petitioner 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

05.10.2023
ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No