

Neutral Citation No.2023:PHHC:162400

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
CRM-M-45426 of 2023 (O&M)
Date of decision : 18.12.2023

...

Shamsher Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Kumar Saini, Advocate for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General,
Punjab, for the respondent-State.

Mr. Vijay Kumar, Advocate for
Mr. Sunil Agnihotri, Advocate for the complainant

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MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. In case FIR No. 165 dated 16.6.2023 under Sections 458, 380, 323, 34 of the Indian Penal Code, 1860, (Section 120-B of the IPC added later on), registered at Police Station Tanda, District Hoshiarpur.

2. Vide order dated 13.9.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation, the relevant part of which reads as under:-

“Learned counsel for the petitioner inter alia
contends that as per the case of the prosecution

three persons with muffled faces trespassed into the house of the complainant on the night of 15.06.2023; after holding the complainant from his neck demanded money as well as threatened him with dire consequences. While fleeing from the spot not only was the complainant deprived of his wallet containing some money but even an activa scooter lying parked in his house was taken away by the alleged assailants. Learned counsel submits that strangely after 40 days of the occurrence in question a supplementary statement was made by the complainant wherein he alleged that the petitioner was also one of the assailants who had trespassed into his house on the fateful day and committed the crime along with co-accused. Learned counsel submits that the CCTV footage which was procured by the investigating agency was to the contrary and as per the initial version of the complainant only three persons with muffled faces were visible entering the house of the complainant and thereafter fleeing from the spot and all those three accused had already been arrested. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency. ”

3. Learned counsel for the petitioner submits that in compliance of order dated 13.9.2023, the petitioner has joined the investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Balbir Singh, does not dispute the factum of the petitioner having joined the investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 13.9.2023, is made absolute subject to the conditions laid down in Section 438 (2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(**MANJARI NEHRU KAUL**)
JUDGE

18.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No