

2023:PHHC:157411

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215-A

CRM-M-48546-2023 (O&M)

Date of Decision : 08.12.2023

PUPJEET SINGH

.... Petitioner

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Manpreet Kaur, Advocate
Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.181 dated 26.08.2023 under Sections 452, 354, 34, 506 of the Indian Penal Code, 1860 registered at Police Station City Rampura, District Bathinda.

2. On 04.10.2023 the following order was passed :

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.181 dated 26.8.2023, under Sections 452, 354, 34, 506 IPC, registered at Police Station City Rampura, District Bathinda.

Learned counsel for the petitioner inter alia submits that the present FIR lodged by the complainant, is counter blast to the complaint dated 22.8.2023 (Annexure P-2)

filed by the father of the petitioner. It is submitted that the complainant herein is cousin of the petitioner and an altercation had taken place on 21.8.2023, on which date, the complainant entered the house of the petitioner with a revolver and had threatened the petitioner and his family members (wife, daughter and daughter-in-law) stating that the petitioner should be taught a lesson for filing a case against the complainant in the Court. It is submitted that the whole incident was videographed/recorded by the petitioner and his family members and the DVD alongwith the photographs of the said incident had been provided to the police and annexed with the complaint dated 22.8.2023 (Annexure P-2). It is further submitted that the receipts in respect of the complaint submitted by father of the petitioner to the police as well as the investigating agency is at page 39 of the paper book. Learned counsel submits that in view of the above said facts, it is clear that the present FIR is counter blast to the complaint given by the father of the petitioner. It is further submitted that the date of incident is 21.8.2023, however, the FIR has been registered five days thereafter i.e. on 26.8.2023 with no explanation as to the cause of delay. He further submits that the complainant had attacked the petitioner because

the father of the petitioner, namely, Sukhdev Singh (who is also co-accused in the present FIR) had instituted a civil suit for permanent injunction dated 12.7.2023 (Annexure P-3). Learned counsel for the petitioner submits that the co-accused Sukhdev Singh has already been granted the relief by this Court vide order dated 21.9.2023 in CRM-M-47685-2023 (Annexure P-5). He further submits that the case of the petitioner is identical to the case of co-accused Sukhdev Singh. However, learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation.

Notice of motion for 08.12.2023.

On asking of the Court, Mr. Sanish Girdhar, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file detailed status report in the matter.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:

i) that the petitioner shall make himself available

for interrogation before the Investigating Officer as and when required ;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer ;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.

On request of learned counsel for the petitioner, the present petition would be heard alongwith connected matter i.e. CRM-M-47685- 2023.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

4. Learned counsel for the State, on instructions from SI Sukhpal Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 04.10.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

08.12.2023*Aman Jain***(ALKA SARIN)****JUDGE****NOTE:***Whether speaking/non-speaking: Speaking**Whether reportable: YES/NO*