

2023:PHHC:081090

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

CRM-M-54729-2021

Date of Decision: 02.06.2023

**AMANDEEP SINGH @ AMNA @ JAFFA ... PETITIONER
VS.**

STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.RVS Chugh, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. On 18.04.2022, the Coordinate Bench of this Court had passed
the following order in the main case:-

“Vide this petition under Section 438 of the Code of Criminal Procedure, the petitioner prays for an anticipatory bail in FIR No.108 dated 22.10.2017, under Sections 323/325/452/506/427/148/149 IPC and Sections 25/27/54/59 of the Arms Act, 1959, registered at Police Station City Rampura, District Bathinda.

In brief, as per the prosecution version, the FIR was registered on the statement of the complainant (Sukhdev Singh), as per which, the petitioner, along with others, had trespassed in his house and caused injuries to his son (Buta Singh).

Learned counsel for the petitioner submits that apparently, implication of the petitioner is false. Even though, petitioner has been named in the FIR, but no specific role/injury is attributed to him. In fact, it is urged that there was a land dispute between the complainant and one Charan Singh and Gurlal Singh, which has since been resolved with the intervention of the Panchyat and other respectables of the village. In reference to the compromise deed dated 19.2.2018 (Annexure P-2), it is submitted that the complainant had acknowledged that only Gurlal Singh had entered his house and caused injuries. Meaning thereby, the absence of the petitioner on the date of occurrence is conceded. Further, the FIR was registered 4½ years ago, and the prosecution has failed to submit the challan to date. Therefore, he submits that the possibility of the trial being concluded in the immediate future is remote.

Learned State counsel prays for a short accommodation to ascertain the current position and argue the matter.

Adjourned to 13.7.2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, he shall join the investigation as and when required and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation and recovery has been effected.

3. Learned State counsel, on instructions from ASI Jagtar Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 18.04.2022, vide which the petitioner has been granted interim bail, is made absolute.

5. Petition is allowed.

02.06.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No