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2023:PHHC:052381

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52697-2022

Date of Decision: 17.04.2023

HARPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Dhawaljeet Dutta, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

On 16.11.2022, the following order was passed by the
Coordinate Bench of this Court in the main case:-

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.267 dated 20.12.2021, registered under Sections 307, 341, 427, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the wife of the complainant is a Sarpanch and belongs to the ruling party and on her instance, the present FIR was registered; that it is a case of version and cross-version and it is yet to be ascertained as to which party was the aggressor one; that it was the complainant, who had fired a gun shot, which hit on the neck and right shoulder of the petitioner and that co-accused of the petitioner has also received the injury on his abdomen. He further submits that one of the co-accused moved an application, on the basis of which inquiry was conducted and some of the accused were declared innocent.

Notice of motion.

On the asking of this Court, Mr. Harkanwar Jeet Singh, AAG Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 21.03.2023.

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 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 contends that no injury has been attributed to the petitioner and in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Lakhbir Singh, has not disputed the aforesaid factual aspects and further contends that custodial interrogation of the petitioner is not required.

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 16.11.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

17.04.2023
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(VIVEK PURI)
JUDGE

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