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

CRM-M-54658-2022

Date of Decision: 30.01.2023

Jobanjeet Singh @ Jobanjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.3 dated 02.01.2021 (Annexure P-1), under Sections 324, 427 and 506 IPC read with Section 34 IPC (Section 326 IPC added subsequently), registered at Police Station Gate Maqboolpura, Amritsar.

On 24.11.2022, the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.03 dated 02.01.2021 registered under Sections 324/506/427/34 of the Indian Penal Code, 1860 (offence under Section 326 of IPC added subsequently) at Police Station Gate Maqboolpura, Amritsar.

Learned counsel for the petitioner, inter alia, submits that the name of the petitioner does not figure in the FIR in question and he has falsely been implicated in the case. The

allegations, if any, are against co-accused namely, Rahul, who is alleged to have given two knife blows to the complainant, which hit on his left hand and even otherwise, no injury/role has been attributed to the present petitioner. He further submits that the petitioner was not present at the spot and nothing is to be recovered from him, however, his bail application filed under Section 438 of the Code of Criminal Procedure has been wrongly declined vide order dated 16.11.2022 (Annexure P-2) passed by the learned Additional Sessions Judge, Amritsar. He also submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail, keeping in view the nature and gravity of the offences.

Keeping in view the fact that name of the petitioner does not mention in the FIR and no specific role/injury has been attributed to him; this Court is inclined to grant interim bail to the petitioner.

List on 30.01.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, he shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub

Inspector Balwinder Singh, has not disputed the aforesaid fact of joining the

investigation by petitioner and submits that his custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, order dated 24.11.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

30.01.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No