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

CRM-M-56310-2022
Date of Decision: 23.03.2023

Gobind Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Damanjeet Bhoriwal, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.88 dated 30.05.2022 (Annexure P-1), under Sections 34, 323 and 324 of the Indian Penal Code (Section 326 IPC added later on), registered at Police Station Mallanwala, District Ferozepur.

On 27.01.2023 the following order was passed by this Court :-

“Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.88 dated 30.05.2022 (Annexure P-1), under Sections 34, 323 and 324 IPC (Section 326 IPC added later on), registered at Police Station Mallanwala, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case on the statement of complainant Heera Singh,

whereas the alleged occurrence has never even taken place. It is submitted that there is an unexplained delay of eight days in registration of the present FIR, whereas in the FIR it is recorded that talks of compromise were going on. Learned counsel for the petitioner further submits that complainant had a doubt upon his wife regarding her illicit relations with one Gurmeet Singh, and the present petitioner being nephew of said Gurmeet Singh has been wrongly roped in this FIR. Learned counsel submits that as per allegations in the FIR, two injuries having been attributed to the petitioner, whereas both of them are on non-vital part of the body and are not dangerous to life. Learned counsel also submits that coaccused of the petitioner namely Gurmeet Singh has already been granted anticipatory bail and the present petitioner, has been wrongly declined anticipatory bail by the Sessions Judge Ferozpur, vide order dated 08.08.2022 (Annexure P-2). Learned counsel also submitted 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.

List on 23.03.2023.

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, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurdev Singh has not disputed the aforesaid fact of joining of investigation by the 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, the present petition is allowed and the ad-interim order dated 27.01.2023 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 fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

23.03.2023
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No