

2023:PHHC:160833

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

208

CRM-M-55279-2023
Date of Decision : **14.12.2023**

Sandeep Singh alias Sanju

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naveen Batra, Advocate,
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

On the last date of hearing i.e. 06.11.2023, the following
order was passed:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.114 dated 25.04.2023, under Sections 323, 324 of the IPC (offence under Section 326 of the IPC added subsequently), registered at Police Station Model Town, District Hoshiarpur.
2. There is no dispute amongst the learned counsels appearing for the contesting litigants, that the petitioner has only been attributed simple injuries.
3. The learned counsel for the petitioner submits that prior to insertion of offence under Section 326 of the IPC in the present case, the petitioner was enlarged on regular bail. However, upon insertion of offence (supra), and, apprehending his arrest, the petitioner had approached the learned Sessions Judge, Hoshiarpur, craving for the relief of anticipatory bail. However, the asked for relief was declined to the petitioner, by the learned Sessions Judge concerned, vide order dated 13.10.2023.
4. The learned counsel for the petitioner seeks the relief (supra), on the premise, that he has been falsely roped in the instant FIR. Nonetheless, the alleged injury, which led to insertion of offence under Section 326 of the IPC, has not been attributed to the present petitioner, rather is attributed to other co-accused.
5. The learned State counsel, on instructions imparted to him by ASI Charanjit Singh, intimates this Court that, out of total five accused, the main accused Dhanna has been murdered, qua which incident, a different FIR has been registered against some other

persons. It is further intimated to this Court, that one of the co-accused, namely, Gurpreet has been granted the concession of regular bail, while the other co-accused are yet to be arrested.

6. Notice of motion for 14.12.2023.

7. Mr. Harpreet Singh, Addl. A.G., Punjab, accepts notice on behalf of State of Punjab.

8. Considering the uncontested factum qua attribution of only simple injuries to the present petitioner, besides the hereinabove made submissions, it is deemed appropriate, at this stage, to direct the petitioner to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. 9. The learned counsel for the petitioner is directed to place on record the correct translation of the present FIR.”

2. Learned State counsel, on instructions imparted to him by ASI Paramjit Singh, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order and he has fully co-operated with the investigation process and he is no more required for any further custodial investigation.
4. In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 06.11.2023 is, hereby, made absolute.

December 14, 2023

dharamvir

(KULDEEP TIWARI)

JUDGE

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