

204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59918-2022
Date of Decision: 03.03.2023

Sukhdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Akshay Chadha, Advocate
for the petitioner.

Mr. Subhash Godara, Additional A.G., Punjab
for the respondent/State.

Mr. Praagbir S.Dhindsa, Advocate
for the complainant.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.225 dated 22.11.2022 (Annexure P-1), under Sections 188, 294, 504 & 506 IPC and Section 25 of the Arms Act, registered at Police Station Dakha, Ludhiana Rural.

On 05.01.2023, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.225 dated 22.11.2022 (Annexure P-1), under Sections 188, 294, 504 & 506 IPC and Section 25 of the Arms Act, registered at Police Station Dakha, Ludhiana Rural.

Learned counsel for the petitioner submits that false allegations of threatening Navdeep Singh (complainant)

*have been levelled against the petitioner in the instant case. It is further submitted that the complainant had illicit relationship with the petitioner's wife, due to which another litigation was going on between petitioner and complainant and the instant FIR is a counter blast of the same. Learned counsel further states that the photograph of petitioner holding gun in his hand, as provided by the complainant, has never been posted on any social media platform. While referring to order dated 16.12.2022 (Annexure P-8), passed by the Additional Sessions Judge, Ludhiana, learned counsel for the petitioner submits that since the arm stands recovered, thus the custodial interrogation of the petitioner is not required. It is also submitted that it is the complainant, who is threatening the petitioner, which fact is borne out of order dated 16.12.2022 (Annexure P-6), passed by this Court in CRM-M-11132-2022, titled as **"Sukhdev Singh Vs. State of Punjab and others"**. Learned counsel for the petitioner further states that the petitioner is ready and willing to join the investigation.*

Status report by way of affidavit dated 03.01.2023 of Mr. Jasbinder Singh, PPS, Deputy Superintendent of Police, Dakha, Ludhiana (Rural), filed by learned State counsel in Court today is taken on record, subject to all just exceptions. Learned State counsel opposes the bail plea of petitioner, keeping in view the nature and gravity of the offences.

List on 03.03.2023.

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, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Sukhwinder 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 05.01.2023, 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) of the Code of Criminal Procedure.

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.

03.03.2023*Apurva***(HARSH BUNGER)
JUDGE**

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