

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-60279-2022

Date of decision: 29.03.2023

Harbhajan Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K. Arya, Advocate for
Ms. Sukhveer Kaur, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

None for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0067 dated 19.07.2022 under Sections 307, 324, 323, 148 and 149 of the IPC (Section 326 of the IPC added lateron) registered at Police Station Ramdas, District Amritsar Rural.

Vide order dated 17.01.2023, the petitioners had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the petitioners submits that both the petitioners were allegedly armed with baseball clubs and inflicted simple injuries on the person of injured Kuldeep Singh. He submits that the injury attributed to petitioner Harbhajan Singh was on the head of injured Kuldeep Singh which was opined to be a simple injury and even an injury attributed to petitioner Gurnam Singh with baseball club was on his left hand which yet again was a simple injury.

Learned counsel submits that the petitioners have clean antecedents and are not involved in any other criminal case. He further submits that the petitioners are ready to join investigation and cooperate with the investigating agency.

Learned State counsel assisted by learned counsel for the complainant, on instructions from ASI Lakhwinder Singh, has not been able to dispute the submissions made by the counsel opposite that the injury which was declared to be dangerous to life has not been attributed to the petitioners but to co-accused Satnam Singh.”

Learned counsel for the petitioners submits that in compliance of order dated 17.01.2023, the petitioners have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 17.01.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail.

29.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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