

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-58874-2023
Date of decision: 22.11.2023

Tejinder Singh @ TonyPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.
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SANJIV BERRY, J. (ORAL)

By way of instant petition filed under Section 438 Cr.PC, the petitioner seeks anticipatory bail in case DDR No. 29 dated 23.02.2023 (Annexure P-2), recorded in FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
31	22.02.2023	Sections 307, 326, 323, 324, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act	P.S. Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that except for mentioning of his name in the FIR, there is no specific attribution to him and even his name figured for the first time in the DDR No. 29 dated 23.02.2023 got registered by the police on the statement of the injured, namely Hajrpreet Singh.

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3. Learned counsel for the petitioner contends that neither any specific role nor any specific injury had been attributed to the petitioner and the role attributed to him is at par with the co-accused, namely Vikasdeep Singh @ Vikas Kumar, who has already been granted the concession of bail vide order dated 16.11.2023 passed in CRM-M-51568-2023, '*Vikasdeep Singh @ Vikas Kumar*'. He further contends that the petitioner is ready to join the investigation and there is no other criminal antecedents against the petitioner.

4. Notice of motion.

5. On the asking of the Court, Mr. Subhash Godara, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from ASI Harnek Singh, submits that there is no greivous criminal case against the petitioner and has not disputed the fact that the role attributed to the petitioner is at par with the co-accused, namely Vikasdeep Singh (*supra*).

6. After hearing the respective submissions, admittedly, the name of the petitioner did not figure in the FIR but cropped up for the first time in the DDR No. 29 dated 23.02.2023 recorded on the statement of injured, namely Harpreet Singh, wherein, no specific role or injury attributed to the petitioner and the petitioner is at par with the co-accused, namely Vikasdeep (*supra*), who has since been granted the anticipatory bail vide order dated 16.11.2023 passed in CRM-M-51568-2023 (*supra*)

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and has already joined the investigation as intimated by ASI Harnek Singh. The case of the petitioner being at par with the aforesaid Vikasdeep Singh, therefore, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to join investigation within 07 days from today. In that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.11.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |