

CRM-M-3328-2024
Date of decision: 29.02.2024

Tajinder SinghPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kulbir Singh Saini, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.111 dated 01.08.2023 under Sections 323/324/307/341/506/148/149 of IPC registered at Police Station Nurpur Bedi, District Rupnagar.

On 29.01.2024, the following order was passed:-

‘The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.111 dated 01.08.2023 registered under Sections 323, 324, 307, 341, 506, 148, 149 IPC at Police Station Nurpur Bedi, District Rupnagar.

Learned counsel for the petitioner, inter alia, contends that the complainant has suffered five injuries, which are simple in nature, as per the opinion of the Board of Doctors. The injury attributed to the petitioner is a rod blow but there is no corresponding injury in the MLR. Moreover, it is a case of version and cross-version.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.

A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 05.02.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 29.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned counsel for the petitioner submits that in compliance of the order dated 29.01.2024, the petitioner has joined the investigation. However, the learned State counsel, on instructions from ASI Daljit Singh, disputes the same and submits that the petitioner has not joined the investigation.

In view of the above, the present petition is disposed of and the petitioner is directed to appear before the Illaqa Magistrate within a period of

two weeks from today, who would then summon the Investigating/Arresting Officer and direct him to join the investigation, in terms of the order of this Court dated 29.01.2024 and the petitioner will continue to join the investigation as and when called upon to do so and he shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

In case, the petitioner does not appear before the concerned Illaqa Magistrate as directed by this Court, the interim order dated 29.01.2024, shall automatically stands vacated without any reference.

(HARPREET SINGH BRAR)
JUDGE

29.02.2024
Neha

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