

HAPPY MASIH @ HARPREET SINGH

V/S

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

ASI Bhupinder Singh in person.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No.275 dated 01.09.2021 registered under Sections 302, 323, 324, 427, 148, 149 of Indian Penal Code at Police Station Ajnala, District Amritsar Rural (Annexure P-8).

2. On 24.01.2024, 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.275 dated 01.09.2021 registered under Sections 302, 323, 324, 427, 148, 149 IPC at Police Station Ajnala, District Amritsar Rural.

Learned counsel for the petitioner, inter alia, contends that the similarly situated co-accused namely Swaran Masih @ Swaran Singh and Sona Masih @ Sonu Singh have been granted concession of interim anticipatory bail vide orders dated 20.04.2022 and 11.04.2022 passed by the Coordinate Bench in CRM-M No. 10115 of 2022 and CRM-M No.19530 of 2022 respectively. It is further contended that both the afore-mentioned co-accused were alleged to have given injuries to the witnesses only. The petitioner is also alleged to have given injury to one Lakha on his right leg.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addi. 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 31.01.2024 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 Illaga 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 23.02.2024.

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."

4. In view of the resolution passed by Bar Association of Punjab and Haryana High Court, there is no representation on behalf of the parties but ASI Bhupinder Singh, who is present in the Court, submits that in compliance of order dated 24.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel the order dated 24.01.2024, is made absolute. The petitioner shall abide by the

terms and conditions enumerated in Section 438(2) Cr.P.C.

6. The petition is accordingly allowed.
7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

February 23, 2024
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No