

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7438-2024 (O&M)
Date of decision: 28.02.2024

SHAMSHER SINGH @ SHERAPetitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

SANJIV BERRY, J. (ORAL)

CRM-8497-2024

- 1. Heard.
- 2. Keeping in view the averments made in the application, the same is allowed subject to all just exceptions.
- 3. Amended memo of parties is ordered to be taken on record.
- 4. Registry to do the needful.
- 5. CRM stands disposed of.

MAIN CASE

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-9) as under:

FIR No.	Dated	Sections	Police Station
104	28.09.2021	302, 307 and 201 of IPC and Section 25 and 27 of Arms Act and Offences under Sections 506, 148 and 149 of IPC added later on.	Chohla Sahib, District Tarn Taran.

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 13.02.2024 passed by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Harjinder Singh informs the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial investigation.

4. During the course of hearing on 13.02.2024, following order was passed:

“It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent has not been named in the FIR but allegedly nominated on the basis of alleged statement of the eye witness. He contends that the petitioner has no concern what-so-ever with the alleged occurrence. He further contends that even the petitioner along with the other co-accused had been granted the concession of interim anticipatory bail by the learned Additional Sessions Judge, Tarn Taran, vide order dated 18.01.2024 (Annexure P-3) and was asked to join the investigation, however, due to miscommunication in the E-Courts Website showing the bail having been allowed on 18.01.2024, the petitioner could not join investigation on 22.01.2024, hence, vide order dated 22.01.2024 (Annexure P-4), only on this ground his bail was declined by learned Additional Sessions Judge, Tarn Taran.

3. Learned counsel for the petitioner further contends that non joining of the investigation by the petitioner was not intentional and he is ready to join investigation. He has further referred to the orders passed by learned Additional sessions Judge, Tarn Taran, granting concession of anticipatory bail to the other co-accused, which have been placed on record.

4. Notice of motion, returnable for 23.02.2024.

5. On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from SI Kulwinder Singh, P.S. Chohla Sahib, has stated that bail application of the petitioner was dismissed by learned Additional Sessions Judge, Tarn Taran, vide order dated 22.01.2024 (Annexure P-4) only on the ground of his non joining the investigation after being granted the concession of interim bail. However, he has not disputed the factual matrix of the case.

6. Keeping in view the facts and circumstance of the case and also the respective submissions made by learned counsel for the petitioner as well as learned State counsel, the petitioner is directed to join investigation within seven days from today and in the event of his arrest, 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.”

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 13.02.2024 passed by this Court, interim bail granted vide order dated 13.02.2024 is hereby confirmed, subject to 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.

6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

28.02.2024
kanika

- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No