



CRM-M-10154-2024
Date of decision: 22.05.2024

...PETITIONER

Versus

...RESPONDENT

Present: - Mr. Prince Sharma, Advocate
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 22.05.2024, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Bhikhiwind, District Tarn Taran, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. 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-2) as under:

FIR No.	Dated	Sections	Police Station
127	24.10.2020	304 and 34 of IPC	Valtoha, District Tarn Taran, Punjab.

3. Learned counsel for the petitioner submits that in compliance to the order dated 14.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 14.03.2024.



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

5. During the course of hearing on 14.03.2024, following order was passed:

“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.127 dated 24.10.2020 (Annexure P-2), under Section 304 read with Section 34 of the Indian Penal Code, 1860, registered at Police Station Valtoha, District Tarn Taran, Punjab.

2. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that there is an unexplained delay of five days in lodging the present FIR. Learned counsel submits that the complainant-Gursahib Singh has given specific affidavit wherein he has stated that his signatures were obtained on the blank papers and he was not aware of the contents of the FIR. It is further submitted that the deceased-Gora Singh was a drug addict and was a habitual offender as he was involved in acts of snatching and committing crimes. Learned counsel for the petitioner contends that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of Additional Sessions Judge, Tarn Taran, has been wrongly declined vide order dated 19.10.2023 (Annexure P-11). It is next submitted that co-accused, namely Jinder Kaur and Mukhtar Singh, have already been granted the concession of anticipatory bail by a co-ordinate Bench of this Court vide separate judgments dated 18.01.2024 and 30.01.2024



(Annexures P-3 and P-5) passed in CRM-M-60866-2023 and CRM-M-4927-2024, respectively.

Learned counsel for the petitioner contends that the petitioner is not involved in any other case. It is submitted that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

3. Notice of motion.

4. At the asking of Court, Mr. Harpreet Brar, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

5. Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

6. List on 22.05.2024.

7. In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the event of his arrest, he be released on interim bail, subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”

6. 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 14.03.2024 passed by this Court, interim bail granted vide order dated 14.03.2024 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.

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.

(SANJIV BERRY)
JUDGE

22.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |