

2024:PHHC:055043

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207A

CRM-M-13349-2024
Date of Decision : April 23, 2024

AMRINDER SINGH @ GURI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Lalit Singla, Advocate and
Ms. Varsha Sharma, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

Mr. Suveer Sheokand, Advocate for
Mr. Gurinderjit Singh, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e.19.3.2024, the following order
was passed:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of pre-arrest bail, in case FIR No.11 dated 07.02.2024, under Sections 458, 323, 427, 148, 149 of the IPC (Sections 325 and 459 of the IPC added subsequently), registered at P.S. Dirba, District Sangrur.

2. At the very outset, the learned counsel for the petitioner has drawn attention of this Court towards an order made by this Court on 13.03.2024, upon CRM-M-12827-2024, whereby, the petitioner’s coaccused, namely, Gursewak Singh has been granted the relief of interim pre-arrest bail. He has submitted that since the petitioner is on a co-equal pedestal vis-a-vis the co-accused (supra), as the injury(ies)

attributed to the petitioner is simple in nature, therefore, he also deserves the concession of pre-arrest bail.

3. *The learned counsel for the petitioner has further submitted that though the anticipatory bail application of co-accused Sukhchain Singh has been dismissed by this Court, however, the dismissal thereof is anchored upon the injuries attributed to co-accused Sukhchain Singh being declared “grievous in nature”.*

4. *At this stage, Mr. Gurinderjit Singh, Advocate along with Mr. Mohit Garg, Advocate, has caused appearance on behalf of the complainant, under a validly executed Vakalatnama instituted before this Court today. He has vociferously opposed the grant of pre-arrest bail to the petitioner, on the ground that, since all the accused had, with common intention, inflicted injuries to the complainant/injured, therefore, individual attributions cannot be taken into consideration, rather the whole incident has to be taken into consideration.*

5. *Notice of motion for 23.04.2024.*

6. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State.*

7. *In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.*

8. *To be heard along with CRM-M-12827-2024.”*

2. Today, the learned State counsel on instructions imparted to him by ASI Harjinder Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 19.3.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

April 23, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No