

2024:PHHC:055086

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

210

CRM-M-15775-2024
Date of Decision : April 23, 2024

MOR SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Angrej Kumar, Advocate for the petitioner.
Mr. Raghav Garg, AAG, Punjab.
Mr. Sham Lal Saha, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 1.4.2024, the following order was passed:-

“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.20 dated 14.02.2024, under Sections 326, 341, 148 and 149 of IPC, registered at Police Station Bhindi Saidan, District Amritsar Rural (Annexure P-1).

On the oral request of learned counsel for the petitioner, complainant-Makhan Singh, is hereby added in the array of respondents, as respondent No.2.

Learned counsel for the petitioner submits that though there are specific allegations against the present petitioner, that he has given a datar blow on the left arm of victim-Kulwinder Singh, which had caused grievous injury to him, however, on perusal of the FIR, as well as the other records as annexed with the present case, reveals that it is a case which is arising out of the matrimonial dispute. Learned counsel for the petitioner further submits that the daughter of the petitioner has already instituted various litigations against the victim-Kulwinder Singh, who is serving in the Army. Learned counsel for the petitioner also submits that there is an unexplained delay of 22 days in registering the instant FIR, therefore, it is a clear cut case of false

implication, and a counter-blast to the litigation as initiated by the daughter of the present petitioner against the victim-Kulwinder Singh.

Notice of motion.

Mr. Pardeep Bajaj, DAG, Punjab, waives service of notice on behalf of the respondent-State.

Mr. Sham Lal Saha, Advocate, appears on behalf of the complainant, and files his Memorandum of Appearance, which is taken on record. He further undertakes to file his duly executed vakalatnama on behalf of the complainant, within 15 days from today, with the Registry of this Court, and also accepts notice on behalf of the complainant.

Adjourned to 23.04.2024.

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 his furnishing bail bond 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.”

2. Today, the learned State counsel on instructions imparted to him by ASI Vinay Kumar, 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 1.4.2024 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.

(KULDEEP TIWARI)
JUDGE

April 23, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No