



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208-1

CRM-M No.17199 of 2024 (O&M)
Date of decision: 03.07.2024

GURDEV SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Tejinder Kataria and Ms. Heena Verma, Advocates
for the petitioner.
Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

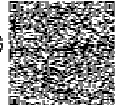
1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 90, dated 29.07.2023, under Sections 307, 452, 323, 341, 427, 506, 148 and 149 of IPC (Section 307 of IPC was deleted and Section 302 of IPC was added later on) at Police Station Kulgarhi, District Ferozepur.
2. Vide order dated 18.02.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 18.02.2024, passed by this Court, reads as under:

“CRM-16014-2024:

This is an application under Section 482 Cr.P.C. to place on record copy of the General Diary entry bearing No.41 dated 04.08.2023 registered at Police Station Kulgarhi, District Ferozepur (Punjab) as Annexure P-6.

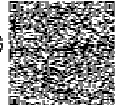
Allowed.

Annexure P-6 is taken on record.

**“CRM-M-17199-2024:**

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.0090 dated 29.07.2023 registered under Sections 307, 452, 323, 341, 427, 506, 148, 149 of the IPC (Section 307 of the IPC was deleted and Section 302 of the IPC was added later on) registered at Police Station Kulgarhi, District Ferozepur.

As per allegations, on 28.07.2023 at about 10:00 p.m. Praminder Singh @ Pindu armed with Kripan, Surinder Singh @ Shindu armed with Baseball bat, Raju armed with Kripan, Rajveer Singh armed with Khanda and six other named persons with different weapons and 15-20 unknown persons with different kinds of weapons attacked Surjit Singh and caused injuries on various parts of his body. They also gave beatings to the complainant Kuldeep Singh and his nephew Gagandeep Singh. FIR was lodged on the complaint of injured Kuldeep Singh initially under Section 307 of the IPC besides Sections 452, 323, 341, 427, 506, 148 & 149 of the IPC. Later on, Surjit Singh expired on 04.08.2023 and the case was converted to Section 302 of the IPC. On that same day i.e. 04.08.2023 after the death of Surjit Singh, Smt. Paramjit Kaur, the wife of deceased Surjit Singh made a supplementary statement recorded as G.D. No.41 dated 04.08.2023 (Annexure P-6), wherein she mentioned that she had come to know that apart from the assailants mentioned in FIR, Gurdev Singh (petitioner), Rajinder Singh & Gurjant Singh and



others had also participated in the crime.

Learned counsel for the petitioner contends that petitioner has been falsley implicated; that petitioner was not named inititally in the FIR to be amongst the assailants; that his name has been introduced by wife of the deceased after 07 days of the occurrence and that too on the basis of getting information but, without disclosing the source of information.

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent-State, whereas Mr. Harpreet Singh Jakhal, Advocate puts his appearance on behalf of complainant and filed his power of attorney.

Though learned State counsel as well as learned counsel for the complainant have opposed the bail petition but could not controvert the aforesaid contentions to the effect that petitioner is not named in the FIR and his name has been introduced 07 days after the FIR.

Adjourned to 03.07.2024 for filing status report.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the



country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

3. Learned State counsel has submitted the status report dated 03.07.2024, the same is taken on record. He, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 23.05.2024 and he is not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 18.04.2024, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.
5. Pending application, if any, also stands disposed of.

03.07.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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