

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17299-2024
Date of decision: 30.04.2024

KAMALJEET SINGH
....PETITIONER

VERSUS

STATE OF PUNJAB
....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Jagmohan Ghumman, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
13	20.02.2024	326, 323, 324, 148 and 149 of IPC	Sujanpur, District Pathankot.

2. Reply dated 29.04.2024 in the form of an affidavit of Deputy Superintendent of Police, Dharkalan, Pathankot, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
3. Learned counsel for the petitioner submits that in compliance to the order dated 08.04.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 08.04.2024.

CRM-M-17299-2024

2

4. Learned State counsel, on instructions from ASI Nirmaljit Singh, P.S. Sujampur, District Pathankot, intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

5. During the course of hearing on 08.04.2024, following order was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. Initially, during the course of investigation, the police has found no such occurrence having been taken place and has recommended the filing of the complaint but later the FIR had been registered. He contends that even otherwise no specific role has been attributed to the petitioner much less any injury to the complainant party which is even evident from the order dated 02.03.2024 passed by learned Additional Sessions Judge, Pathankot (Annexure P-2). He further contends that the petitioner is not having any criminal antecedents and is ready to join investigation.

3. Notice of motion.

4. 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 ASI Muneesh Kumar, admits that no injury is attributed to the petitioner, however, he prays for time to file the status report/reply in the matter.

5. Adjourned to 30.04.2024.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite.

7. In the meanwhile, the petitioner is hereby directed to

CRM-M-17299-2024

3

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.”

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 08.04.2024, 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

30.04.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |