

S. No.101

2024:PHHC:061128

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

**CRM-M-19915 of 2024
Date of Decision:03.05.2024**

Gurthian Singh @ Gurdhian Singh **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.B.S. Randhawa, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Ritesh Pandey, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

Status report by way of an affidavit of Shri Khushbir Kaur, PPS, Deputy Superintendent of Police, Sub Division, Fatehgarh Churian, Police District Batala, has been filed on behalf of the respondent- State.

By way of present petition filed under Section 438 Cr.P.C. petitioner prays for grant of pre-arrest bail in case FIR No.06 dated 25.01.2024 registered under Sections 308, 323, 148, 149 IPC at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

Learned State Counsel, on instructions from ASI Bachhitar Singh, informs that in compliance of the order dated 23.04.2024, petitioner has already joined the investigation and that he is no longer required for further interrogation as even the weapon of offence has been recovered from him.

Memo of Appearance has been filed on behalf of the complainant. Learned counsel has opposed the prayer for making the interim order for grant of anticipatory bail as absolute, submitting that complainant is still in comatose position.

Learned counsel for the complainant has also placed on record copy of the order dated 09.04.2024 passed in CRM-M-15402 of 2024 whereby anticipatory bail petition of the co-accused – Agayapal Singh was declined by this Court. Learned counsel also submits that petitioner is hurling threats to the injured party.

Perusal of the order dated 09.04.2024 pertaining to co-accused Agayapal Singh would reveal that injury on the head of the injured – Jagpreet Singh was directly attributed to said Agayapal Singh; whereas the injury attributed to present petitioner – Gurthian Singh @ Gurdhian Singh is stated to be on the left ankle of the injured.

Having regard to the afore-said facts and circumstances, the order dated 23.04.2024 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

It is made clear that in case there is violation of any of the conditions of the bail, the respondent-State will be at liberty to move an application for cancellation of the bail. Petitioner is again directed to refrain from contacting

injured or any witnesses associated with the case, failing which, complainant as well as State are granted liberty to approach this Court for cancellation of bail.

May 03, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No