



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-20415-2024

Date of decision: 05.09.2024

Harvinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bhriagu Agnihotri, Advocate for
Mr. Fariad Singh Virk, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.79 dated 29.03.2022 for the offences under Sections 307, 323, 324, 341, 458, 506, 427, 148, 149 of the IPC registered at Police Station City Samana, District Patiala.

2. On 23.05.2024, while noticing the following, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“In compliance of the order dated 25.04.2024 of this Court, learned State counsel has filed status report by way of an affidavit of Neha Aggarwal, PPS, DSP Sub Division Samana, District Patiala today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite.

On the last date of hearing, a pointed query was put to the learned State counsel as to whether any steps had been initiated to arrest the petitioner after the dismissal of his petition for anticipatory bail under Section 438



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Cr.P.C. by the learned trial Court on 02.04.2024. Today, learned State counsel, on instructions from ASI Puran Singh, has very fairly submitted that no steps much less any proceedings under Section 82 of the Cr.P.C. had been initiated against the petitioner. Furthermore, learned State counsel, on instructions, has also not disputed that the petitioner was neither named in the FIR in question nor any role attributed to him therein. It has also not been disputed that the petitioner came to be nominated as an accused in the supplementary statement of the complainant after five days of the alleged occurrence.

On further query put to the learned State counsel, he has not disputed the submissions made by the counsel opposite that all the other co-accused, who had been named in the FIR in question, had since been released on anticipatory bail by a Coordinate Bench of this Court vide separate orders dated 06.09.2022 (Annexures P-3 and P-4).”

3. Learned counsel for the petitioner submits that in compliance of order dated 23.05.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Puran Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 23.05.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

05.09.2024

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(MANJARI NEHRU KAUL)
JUDGE

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