



CRA-S-1752-2024

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

CRA-S-1752-2024

Date of decision: 02.08.2024

KEWAL SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Munish Garg, Advocate for the appellant.

Mr. Japjot Singh, AAG Punjab.

None for respondent No.2.

.....

SANJIV BERRY, J. (ORAL)

By way of instant appeal, the appellant has challenged the impugned order dated 24.04.2024, passed by learned Additional Sessions Judge, Barnala, in case FIR No.78 dated 12.06.2023 under Sections 323, 447, 511, 34 IPC and Section 3 SC & ST (Prevention of Atrocities) Act, 1989 registered at P.S. Barnala, vide which the bail application under Section 438 Cr.P.C. moved by the petitioner has been dismissed.

2. Heard.

3. Learned counsel for the appellant submits that in compliance to the order dated 11.07.2024 the appellant has joined the investigation.

4. Learned State counsel, on instructions from Investigating Officer of the case intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any

custodial interrogation.



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5. During the course of hearing on 11.07.2024, following order was passed: -

“ 1. By way of instant appeal, the appellant has challenged the impugned order dated 24.04.2024 passed by learned Additional Sessions Judge, Barnala, whereby the bail application moved by the petitioner under Section 438 Cr.P.C. has been dismissed.

2. Status report dated 28.05.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Barnala, District Barnala, in the Registry which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. Learned counsel for the petitioner inter alia contends that petitioner has been falsely implicated in the present case due to pendency of the civil litigation between the co-accused Makhan Singh and husband of the complainant vide Civil Suit titled ‘Makhan Singh Vs. Gurnam Singh’ bearing No.CS-1296-2023. He further submits that there is unexplained delay of 10 months in lodging of the instant FIR and all this has been done to pressurize and harass the petitioner on account of aforesaid civil litigation. He submits that petitioner is ready to join the investigation.

4. None has put in appearance on behalf of respondent No.2- complainant in this case despite being duly served as has been recorded in the previous order and even today none has put in appearance on her behalf.

5. List on 02.08.2024.

6. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall 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. After considering the rival contentions and perusing the record, it transpires that the appellant has been implicated in the instant FIR for having committed offence punishable under 323, 447, 511, 34 IPC and Section 3 SC & ST (Prevention of Atrocities) Act, 1989. At the same time, it



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is not disputed that the appellant, after having been directed vide order dated 11.07.2024, has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the appellant vide order dated 11.07.2024 is hereby confirmed subject to the conditions as envisaged under Section 438(2) Cr.PC. The appellant is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. With these observations, the impugned order dated 24.04.2024, passed by learned Additional Sessions Judge, Barnala, is set aside and the instant appeal stands allowed.

02.08.2024
puneet

(SANJIV BERRY)
JUDGE

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