



201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23831-2024 (O&M)

Date of decision: 01.07.2024

ANSHMEET SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Kirandeep Kaur, Advocate with
Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No. 63 dated 09.04.2024 registered under Sections 354, 186 of Indian Penal Code at Police Station City Tarn Taran, District Tarn Taran.

2. On 20.05.2024, following order was passed:

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.63 dated 09.04.2024 under Sections 354 & 186 of the Indian Penal Code, 1860, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner, inter alia, contends that the petitioner is only 18 years of age and on the intervening night of 08/09.04.2024, in unconscious condition, he was brought to the emergency ward of Civil Hospital, Tarn Taran, where treatment was given to him. After administering two injections to the petitioner, the doctor tried to insert pipe in his nose, to which he resisted in unconscious state of mind. It is further contended that brother and mother of the petitioner took him away from the hospital on being unsatisfied by the



treatment given. The jurisdictional police authorities were not informed; rather a complaint was filed on the next day, as the complainant-doctor had the apprehension that the petitioner side would file some complaint against her. The petitioner is not involved in any other case. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 07 years and no notice under Section 41-A Cr.P.C. has been served upon the petitioner. As such, the petitioner is entitled to anticipatory bail.

Notice of motion.

Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State. In compliance of the order dated 13.05.2024, he filed the short reply by way of affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Sub Division Tarn Taran, District Tarn Taran in the Court today and the same is taken on record.

Adjourned to 01.07.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon



the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel on instructions from ASI Dilbag Singh, submits that in compliance of order dated 20.05.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 20.05.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

July 01, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No