



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

**CRM-28206-28207-2024 in/&
CRM-M-26997-2024
Date of Decision : 17.07.2024**

HARSHPREET SINGH ALIAS ARSH BAINS

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S.Chahal, Advocate,
for the petitioner(s).

Mr.Pardeep Bajaj, DAG, Punjab.

Mr. Prabhjot S.Waraich, Advocate,
for the applicant/complainant.

KULDEEP TIWARI, J.(Oral)

CRM-28206-2024

1. Through the instant application, prayer is made for impleadment of applicant/victim/complainant-Dharamveer Singh, as respondent no.2, in accompanying petition.
2. For the good and valid reasons, assigned in the application, same is **allowed** as prayed for, subject to all just exceptions, and applicant/complainant-Dharamveer Singh, is ordered to be impleaded as respondent no.2.
3. Amended memo of parties is ordered to be taken on record.

4. The Registry is directed to tag the same at an appropriate place in the case file.

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5. Application is allowed, subject to all just exceptions, and the documents are ordered to be taken on record as Annexures R1 and R2.

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6. On 27.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, in case FIR No.79 dated 17.04.2024, under Sections 307/341/506/336/148/ 149 of the IPC (Section 120-B of the IPC added subsequently), and, Sections 25/27 of the Arms Act, registered at P.S. Balongi, District S.A.S. Nagar.

2. The learned counsel for the petitioner submits that, in fact, the present FIR is a counter blast to FIR No.31 dated 18.04.2024, which has been registered against the complainant Dharamvir Singh and others, on the statement made by petitioner's co-accused Gurjot Singh on 15.04.2024. What led to registration of the FIR (supra), was that, the complainant Dharamvir Singh along with others assaulted the petitioner's co-accused Gurjot Singh, which resulted in the latter suffering injuries and becoming admitted in the hospital concerned w.e.f. 16.04.2024 to 18.04.2024. Moreover, the present case is a case of 'no injury' and it has been got registered just to create pressure.

3. Notice of motion for 17.07.2024.

4. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

5. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. ”

7. Today, the learned State counsel, on instructions imparted to him by ASI Angrej Singh, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) has joined investigation, however, he failed to get recovered the weapon of offence, which is alleged to have been used in the commission of alleged crime.

8. Learned counsel for the petitioner submits that in fact, no such incident has occurred as it is a clear case of concoctions, as prior to

the registration of the instant FIR on dated 15.04.2024, the complainant-Dharamveer Singh, alongwith other co-accused has caused injuries, to Gurjot Singh on dated 15.04.2024, and thereupon he was admitted on the hospital in the nights of 15/16.04.2024, and finally discharged on dated 18.04.2024, and this fact finds mentioned in the order of learned Additional Sessions Judge, SAS Nagar, while granting regular bail to co-accused Gurjot Singh. The relevant extract thereof reads as under:-

“5. Present FIR has been lodged on the basis of statement of complainant Dharamvir Singh. As per the case of the complainant, it is co-accused Arsh Bains, who has fired a gun shot towards him. Perusal of the medical record of the applicant-accused Gurjot Singh shows that he was admitted in Dr. B.R. Ambedkar State Institute of Medical Science, Sector 56, SAS Nagar, Mohali on 16.04.2024 and discharged on 18.04.2024. This fact creates doubt in the story of the complainant. Thus, no useful purpose will be served by detaining the applicant-accused in custody. Conclusion of trial will take considerable time. As such, bail application filed by accused-applicant is allowed and he is ordered to be released on bail on his furnishing bail bonds to the satisfaction of learned Illaqa/Duty Magistrate. Copy of this order be sent to learned Illaqa Magistrate. File be consigned to the record room.”

9. He further submits that since no such occurrence has occurred, therefore, there is no question for the petitioner, to get recovered the weapon of offence, i.e. a pistol.

10. This Court has considered the submissions made learned counsel for the petitioner as well as learned State counsel.

11. *Prima facie*, this Court is satisfied that the petitioner deserves to be released on anticipatory bail, on the ground that it is a case of 'no injury', and prior to that, incident had occurred where the complainant-Dharamveer Singh in the instant FIR is alleged to have caused injury to the co-accused-Gurjot Singh.

12. In view of the above, since the petitioner has joined investigation, therefore, the hereinabove extracted interim order dated 27.05.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

13. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
14. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 17, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No