



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29641-2024 (O&M)
Date of order: 11.07.2024

Chann Singh
... Petitioner(s)
Versus
State of Punjab & another
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. Vishneet Singh Kathpal, Advocate
for the petitioner(s).
Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
44	7.3.2023	City-1, Abohar, District Fazilka	324, 323, 506, 148, 149 IPC and 326 IPC (added later on)

1. Apprehending arrest in the FIR captioned above, the petitioner-accused, had come up before this Court seeking anticipatory bail under Section 438 CrPC.
2. As per paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents.
3. Vide order dated 25.6.2024, this Court had granted interim anticipatory bail to the petitioner which is continuing till date.
4. Counsel for the petitioner submits that pursuant to order dated 25.6.2024, the petitioner has joined the investigation and his custodial interrogation is no more required. He further submits that the petitioner has no objection to any conditions which this Court may deem appropriate in the case.
5. State’s counsel, on instructions from ASI Sukh Raj Singh, does not dispute the contention raised on behalf of the petitioner.

Reasoning:

6. As per the case of the prosecution, the allegation against the petitioner is that he gave a *kapa* blow to Jatinder Kumar which hit on head. The petitioner was granted interim protection on 25.6.2024 and during the interregnum, there is no allegation that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Considering the fact that the petitioner is only 22 years of age, it may be appropriate to afford the petitioner a final opportunity to course correct and thus, this Court feels that the petitioner is entitled to bail.
7. Given the penal provisions coupled with the *prima facie* analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for pre-trial incarceration at this stage.
8. Given above, the present petition is allowed and interim order dated 25.6.2024 is made absolute, subject to the following conditions:

(i) That the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator about the compliance;

(ii) The petitioner shall not enter the property, workplace, and the residence of the victim till the recording of the statements of all non-official and informal witnesses in the trial;

(iii) The petitioner shall cooperate with the investigating agency.

Petition allowed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

July 11, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No