

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30857-2023 (O&M)
DATE OF DECISION : 08.04.2024

JOGINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.S.Khiva, Advocate for the petitioner.
Ms. Himani Arora, A.A.G., Punjab.
Mr. Gagandeep Singh, Advocate for the complainant.
* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 34 dated 19.05.2023 under Sections 354, 323, 307, 34 IPC (Section 325 IPC added later on), registered at Police Station Badhni Kalan, District Moga.
2. Learned counsel for the petitioner contends that petitioner has not been attributed any injury, though, he is alleged to have assisted his co-accused by holding the injured. He has joined the investigation in compliance of the order passed by this Court.
3. On 19.06.2023 following order was passed:

“Learned counsel for the petitioner submits that the allegations of grievous injury having been inflicted was on Jaswant Singh who is in custody. He submits that it is a case of version and cross version and the DDR (Annexure P-2) was registered on the complaint of Jaswant Singh. Learned counsel for the petitioner submits that the petitioner is willing to join investigation and abide by any condition imposed by this Court.

Notice of motion.

Mr. Mohit Kapoor, Additional A.G., Punjab accepts notice on behalf of the respondent-State.

List on 29.08.2023.

In the meantime, the petitioner is directed to join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to

compliance of the provisions of Section 438 (2) Cr.P.C.”

4. Learned State counsel, on instructions from ASI Pritam Singh, has confirmed that the petitioner has joined the investigation in compliance with the order dated 19.06.2023. Thereafter, the petitioner was permitted to add offence under Section 307 IPC vide order dated 23.01.2024. The petitioner has again joined the investigation.

5. Learned State counsel has also confirmed that the injury constituting the offence under Section 307 IPC is not attributed to the petitioner.

6. Learned counsel for the complainant has opposed the bail application and contends that the allegations against the petitioner are for holding the injured as well as for violating the modesty of the daughter of the complainant-xxx.

7. The petitioner has joined the investigation. The allegations and counter-allegations of the parties *inter se* each other are matter of trial.

8. In view of the reasons recorded in the order dated 19.06.2023 and keeping in view the attributions to the petitioner and in view of the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the orders dated 19.06.2023 and 23.01.2024 granting interim bail to the petitioner are made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.04.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE