

203

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

CRM-M-31193-2024

Date of decision: 02.08.2024

Harwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. BNS Marok, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in cross case registered vide Report No.8 dated 21.04.2024 (Annexure P-2) under Sections 323/324/326/354/341/506/34 of IPC (offence under Section 326 of IPC added later on) registered at Police Station Kotwali, Kapurthala District Kapurthala in case bearing FIR No.82 dated 17.04.2024 (Annexure P-1) under Sections 323/324/354/448/427/506/34 of IPC registered at Police Statoin Kotwali, Kapurthala District Kapurthala.

On 03.07.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973, seeking anticipatory bail in cross-case registered vide report No.8 dated 21.04.2024 under Sections 323, 324, 326, 354, 341, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') (offence under Section 326 of IPC added later on), registered at Police Station Kotwali, Kapurthala, District Kapurthala, in FIR No.82 dated 17.04.2024 under Sections 323, 324, 354, 448, 427, 506, 34 of IPC, registered at Police Station Kotwali, Kapurthala, District Kapurthala.

Learned counsel for the petitioner, inter alia, contends that it is a case of version and cross-version. The petitioner has been falsely implicated in the cross-version, which was recorded after a delay of 04 days from the date of registration of the FIR (supra). It is further

contended that nature and extent of the injury clearly indicates that it is self-suffered and the photographs available on record as Annexure P-3 also indicates that the complainant party, in the cross-version, has trespassed and tried to take possession of property of the petitioner.
Notice of motion.

On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and Mr. B.N.S. Marok, Advocate appears on behalf of the complainant.

Learned counsel for the complainant vehemently opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the civil suit has been decreed in favour of the complainant-party and as such, the petitioner is aggressor and specific injury has been attributed to him.

Adjourned to 02.08.2024.

*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.'

Learned State counsel on instructions from SI Ashok Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 03.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

02.08.2024
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No