

**CRM-M-31956-2024****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-31956-2024****Date of decision : September 04, 2024**

Avtar Singh @ Tari and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Kulbir Singh Saini, Advocate, for the petitioners
Mr. Sahil R. Bakshi, AAG, Punjab

KULDEEP TIWARI,J. (ORAL)

1. The instant petition *qua* petitioner no. 2 has already been dismissed as not pressed.
2. On 8.7.2024, 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 petitioners seeks the concession of anticipatory bail, in case FIR No.12 dated 10.04.2024, under Sections 324, 326, 506, 34 of the IPC, registered at P.S. City Balachaur, District S.B.S. Nagar.

2. At the very outset, the learned counsel for the petitioners submits that, since grievous injury has been attributed to the petitioner No.2, therefore, he does not want to press the instant petition qua him.



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3. *Consequently, the instant petition is dismissed qua petitioner No.2, being not pressed.*

4. *Insofar as petitioner No.1 is concerned, the learned counsel for the petitioner submits that, although injury (ies) has been attributed to him, however, the same has been declared “simple in nature”. Moreover, the present FIR suffers from the vice of delay, inasmuch as, it has been registered after delay of approx. 6/7 days, which renders it to be the outcome of premeditation and concoction. Therefore, the story put forward in the FIR is surrounded by clouds of suspicion.*

5. *Notice of motion for 04.09.2024.*

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

7. *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.”*

3. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner no. 1-Avtar Singh alias Tari had joined investigation and he is no longer required for custodial interrogation.

4. In view of the above, the hereinabove extracted interim order dated 8.7.2024, is hereby made absolute, *qua* petitioner no. 1-Avtar Singh



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alias Tari 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.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioner No. 1 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.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

September 04, 2024

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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No