



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-35806-2024
Date of decision: 17.09.2024

MEHARBAN SINGH ALIAS MEHARBAN BRAR
...PETITIONER

Versus

STATE OF PUNJAB
...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

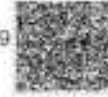
Present: - Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.
Mr. Impinder Singh Dhaliwal, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 482 of BNSS, 2023, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
43	28.06.2024	336, 307, 34 of IPC and Sections 25 and 27 of Arms Act, 1959..	Sadar Abohar, District Fazilka.

2. Learned counsel for the petitioner submits that in compliance to the order dated 07.08.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 07.08.2024.
3. Learned State counsel intimates the Court that the petitioner has joined investigation and is neither required for further investigation nor for any custodial interrogation.



4. Learned counsel for the complainant opposed the submissions made by learned counsel for the petitioner.

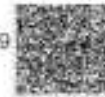
5. During the course of hearing on 07.08.2024, following order was passed:

“ 3. *Heard.*

4. *It is inter alia contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the case despite the fact that no specific overt act is attributed to him. He has referred to General Diary Details (Annexure P-2) to say that although the name of the petitioner is mentioned, however, only lalkara is alleged to have been attributed to him. He submits that the perusal of Annexure P-2 would reveal that no injury whatsoever has been attributed to the petitioner. He further submits that the petitioner is not having any criminal antecedents and has been involved in the present case only on account of the fact that he is the son of accused Jaskaran Singh with whom the complainant is having a dispute regarding water sharing.*

5. *Learned State counsel assisted by learned counsel for the complainant on instructions from the Investigating Officer of the case ASI Kuldeep Singh Sidhu submits that the name of the petitioner had surfaced in the supplementary statement of the injured recorded on 25.07.2024, wherein he is alleged to have given daang blow to the injured.*

6. *A perusal of the record would show that General Diary (Annexure P-2) was recorded way back on 29.06.2024, wherein the petitioner was attributed the role of exhorting lalkara, however, after a gap of long one month i.e. on 25.07.2024, another*



supplementary statement of the injured had been recorded wherein the petitioner has been attributed a daang blow.

7. In these circumstances, without commenting on the merits of the case, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merits. Accordingly, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

8. List on 30.08.2024.”

6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 07.08.2024 passed by this Court, interim bail granted vide order dated 07.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.



8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

17.09.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |