

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45494-2023
Date of decision: 13.03.2024

KULDEEP SINGH AND OTHERSPetitioners

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Kanwal S. Walia, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG Punjab.

None for the complainant

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.219 dated 21.08.2023 under Sections 354, 323, 341, 506, 34 of IPC & Section 201 IPC added later on registered at Police Station Patran, District Patiala.

2. Counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 13.09.2023 passed by the co-ordinate Bench of this Court.

The relevant portion of the aforesaid said order reads as under:-

xxxx xxxx xxxx xxxx

“Learned counsel for the petitioners, inter-alia, contends that in fact, the petitioners and the complainant party were having a dispute over the storage of cow-dung in the vacant land located in front of the house of the petitioners and due to this reason, the complainant has got them (petitioners) falsely implicated in the subject FIR and the alleged occurrence is stated to have taken place early in the morning on 10.08.2023 but the complainant went to the hospital on the next day whereas petitioner No.1-Kuldeep Singh, who had also suffered the injuries in the said occurrence, as

reported in his Medico-Legal Report Annexure P-4, was taken to the hospital on the day of the alleged occurrence itself and moreover, the petitioners are ready and willing to join in the investigation as and when required by the Investigating Agency and are also not involved in any other criminal case.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

At this stage, Mr. Ramandeep, Advocate, has also put in appearance on behalf of the complainant and has submitted his Power of Attorney in the Court and the same has been placed on the file.

Adjourned to 20.11.2023.

Meanwhile, the petitioners shall join in the investigation on 28.09.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of their arrest, they shall be released on interim bail subject to their furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and they shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

xxxx

xxxx

xxxx

xxxx

3. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 13.09.2023 passed by the Co-ordinate Bench of this Court.

4. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Pawan Kumar, confirms that the petitioner has joined investigation however, it is alleged that recovery of the handle of spade is yet to be effected.

5. Non-recovery of alleged weapon cannot be made a ground to decline the petition, since the offence under Section 201 of IPC has been added. The petitioner has joined the investigation. His further custodial interrogation is not required.

6. In view of the reasons recorded in the order dated 13.09.2023 and in view of the aforesaid facts, the present petition is allowed and the order dated 13.09.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

8. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

13.03.2024
k.nain

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>