

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-47104-2023

Date of Decision:10.01.2024

SUKHMANDER SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. G.S. Jagpal, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

On 20.09.2023, following order was passed:

“Through the instant petition, the petitioner seeks anticipatory bail in case bearing GD No.46 dated 03.08.2023, registered under Sections 324, 323, 341, 148, 149 IPC and Section 326 IPC (added later on vide GD No.23 dated 06.08.2023), at Police Station Sadar Faridkot, District Faridkot, in FIR No.141 dated 02.08.2023, under Sections 302, 452, 341, 427, 506, 148, 149 IPC and Section 326 IPC (added later on), at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner submits that the petitioner is an accused in a cross-case; that no specific injury attracting Section 326 IPC has been attributed to the petitioner; that the only allegation against the petitioner is that he along with his father, namely, Dalaur Singh, has given beatings to the injured/victim; that Dalaur Singh has been granted the concession of anticipatory bail by this Court vide order dated 15.09.2023 and that the FIR in question was registered by Basant Singh for murdering Balkaran Singh, who is the cousin of the petitioner.

Notice of motion.

On the asking of this Court, Mr. Hakam Singh, AAG Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 16.11.2023.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police ”

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 20.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

10.01.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No