

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-50072-2023

Date of Decision: 08.02.2024

Gola Singh

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 112 dated 09.09.2022 registered under Sections 323, 354, 452, 506 read with Section 34 IPC (Section 427 IPC was added later on) at Police Station Bhindi Saidan, District Amritsar (Rural).

On 20.11.2023, when this case was listed for hearing, following order has been passed by a co-ordinate Bench of this Court:-

- “1. Petitioner is seeking anticipatory bail in case bearing FIR No. 112 dated 09.09.2022 under Sections 323, 354, 452, 506, 34 IPC (Section 427 IPC added later on), registered at Police Station Bhindi Saidan, District Amritsar Rural.*
- 2. Affidavit/status report has not been submitted despite last opportunity.*
- 3. Learned counsel for the petitioner contends that as per*

the allegations, the petitioner was armed with cutter but the same has not been used at the time of occurrence. The petitioner has been attributed with lalkara. Furthermore, after the incident in which Bittu Singh, complainant allegedly suffered injury, there are allegations to the effect that the petitioner along with co-accused namely Bhola Singh, Bittu Singh and Sukha Singh had visited the house of the complainant and outraged the modesty of two minor daughters of the complainant. It has been further submitted that there is a delay of 22 days in lodging the FIR. It is a case of version and cross-version. A cross-version bearing GD No. 19 dated 10.9.2022 has also been registered at the instance of Amardeep Kaur, who is the wife of the petitioner with regard to the commission of offence under Sections 323, 324, 354, 452, 506 and 34 IPC. Subsequently, the offence under Section 326 IPC has also been added in the cross-version case. The injuries on the person of Bittu Singh, complainant are simple in nature.

4. *Notice of motion.*

5. *Ms. Ruchika Sabherwal, DAG Punjab has already joined the proceedings in the instant case.*

6. *Adjourned to 05.01.2024.*

7. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

Learned counsel for the petitioner submits that in compliance of the order dated 20.11.2023 passed by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Lakhwinder Singh, states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 20.11.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

08.02.2024
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(NIDHI GUPTA)
JUDGE

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