



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-48669-2024 (O&M)

Date of decision: 28.10.2024

RAJWINDER SINGH ALIAS GUGNA

..PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sudesh Kumar Pandey, Advocate
for the petitioner(through video conferencing).

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J (ORAL)

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0044 dated 23.05.2024 under Sections 452/427/506/354-A/148/149 of IPC registered at Police Station Sudhar District Ludhiana, Punjab (Annexure P-1).

2. On 27.09.2024, the following order was passed:-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0044 dated 23.05.2024 under Sections 452/427/506/354-A/148/149 of IPC registered at Police Station Sudhar District Ludhiana, Punjab (Annexure P-1).

Learned counsel for the petitioner inter alia contends that there is a delay of three days in the registration of the FIR (supra) which creates a serious dent on the case set up by the prosecution. Moreover, the maximum sentence under which the FIR was lodged is punishable upto 07 years and no notice under Section 41-A of Cr.P.C. has been served upon the petitioner. He further submits that the similarly situated co-accused has



*been granted the concession of anticipatory bail by this Court vide order dated 09.09.2024 (Annexure P-3). As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in **Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754**. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273**, **Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427**, **Satender Kumar Antil v. CBI (2022)10 SCC 51**, **Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375** and **Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 28.10.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court”.

3. Learned State counsel on instructions from SI Jaswinder Singh, submits that in compliance of order dated 27.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.



4. Keeping in view the statement made by learned State Counsel the order dated 27.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly disposed of.

28.10.2024
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No