

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54400-2023
Date of decision: 15.01.2024

Jasvir Singh @ Jasveer SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Shivya Sehgal, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
187	09.09.2023	323, 341, 452, 506 and 34 IPC	Samrala, Police Khanna, District Ludhiana

2. Learned counsel for the petitioner submits that in compliance to the order dated 25.10.2023, the petitioner has joined the investigation.

3. During the course of hearing on 25.10.2023, following order had been passed: -

‘The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.187 dated 09.09.2023, under Sections 323, 341, 452, 506 and

34 of IPC, registered at Police Station Samrala, Police Khanna, District Ludhiana (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, wherein recovery is to be effected and only the allegation qua him is that he has given punch on the head of the complainant. Perusal of the FIR shows that offences under Sections 323, 341, 452, 506 and 34 of IPC have been recorded.

Notice of motion.

On the asking of Court, Mr. Sandeep Kumar, DAG Punjab accepts notice on behalf of respondent-State, who on instructions from ASI Harjinder Singh informs the Court that as per the MLR dated 08.09.2023, the injured Gurmeet Kaur sustained 4 injuries and the kind of weapon used is blunt. The MLR report further shows that despite the same time and place of the incident, both the injured persons were admitted to the hospital at different time: the complainant Amanjot Singh was admitted on 07.09.2023 at 8:45 P.M., whereas, the injured Gurmeet Kaur admitted on 08.09.2023 at 2.35 P.M.

On a query put by this Court, learned State counsel informs the Court that there are 18 stitches on the head of complainant namely Amanjot Singh aged 14 years and qua that medico legal report is still awaited. He further contends that probably thereafter other offences as per the gravity may be added in the FIR and, therefore, the petitioner does not deserve the concession of anticipatory bail.

Having considered the submissions made before this Court neither there is any assertion nor any categorical evidence put forth by the State as well to show that the alleged injury has been attributed to the petitioner, which resulted into 18 stitches. It can be only assessed after having completed the investigation on receipt of medico legal report and in fact, this Court is of the considered view that joining of the investigation of the petitioner would only facilitate the progress of investigation, inasmuch as other three co-accused persons already stands granted anticipatory bail out of which one has been granted by the Court

below and two other accused have been granted such concession by this Court.

In the light of above, this Court does not find any reason to deny the concession of interim bail at this stage, hence, the petitioner is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

However, it shall be open for the Investigating Agency that in case, subsequently during the course of investigation any other offences are recorded in the FIR against the petitioner, this order will not stand in between for his arrest.

Adjourned to 15.01.2024.'

4. Learned State counsel on instructions from ASI Harjinder Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. 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 25.10.2023 passed by this Court, interim bail granted vide order dated 25.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. 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.

6. The petition stands allowed.
7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.01.2024
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(SANJIV BERRY)
JUDGE

- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No