

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-54545-2023
Date of Decision:09.01.2024

ANMOLJEET SINGH

.....Petitioner

Vs.

STATE OF PUNJAB

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab
assisted by ASI Sukhwinder Singh.

DEEPAK GUPTA, J.(ORAL)

On 31.10.2023, following order was passed:

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.82 dated 11.09.2023, under Sections 307, 452, 323, 324, 506, 34 IPC and Section 25 of Arms Act, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioner has argued that as per the prosecution version in the FIR, petitioner was one of the three boys, out of whom two were armed with kirpan (swords) and one with gandasī, who were running after the complainant's son namely Karanbir Singh. The said Karanbir Singh entered the shop to save himself and the said three boys attacked him with an intention to kill. The petitioner has been attributed the role of having given a kirpan blow on the head of the complainant, which he tried to ward off with his left hand and the same landed on his index finger. It is submitted that as per the MLR, there were five injuries found on the person of injured, out of which only one is said to have been inflicted with sharp weapon, whereas remaining four are with blunt weapon and are

reported to be simple in nature. It is further submitted that the injury caused with sharp edged weapon is on the left thigh (injury No.5). Learned counsel for the petitioner further submits that in the CCTV footage from the CCTV installed at the dhaba owned by the complainant, only three boys were seen entering the dhaba and petitioner is not one of them. Petitioner is not involved in any other criminal case and as such, has clean antecedents. It is further submitted that injury attributed to the petitioner being simple in nature does not attract the offence punishable under Section 307 IPC. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Sarabjit Singh Cheema, DAG, Punjab, accepts notice on behalf of respondent-State and waives service. Mr. Ajay Kumar, Advocate, puts in appearance on behalf of the complainant and has filed his Power of Attorney, which is taken on record.

Learned State counsel, on instructions from ASI Kashmiri Lal, Police Station Badali Ala Singh, submits that vide DDR No.31 dated 30.10.2023, Section 458 IPC has been added.

Learned counsel for the petitioner makes an oral prayer that keeping in view that the said section has been added after institution of the present petition, he be permitted to make corresponding correction in the head note as well as in prayer clause of the petition.

Keeping in view the fact that the aforesaid offence has been added later on, the oral prayer is accepted. Registry to carry out the necessary correction.

List on 14.12.2023.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C. ”

Today learned State counsel, on instructions from ASI Sukhwinder Singh, 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 31.10.2023 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.

09.01.2024

(DEEPAK GUPTA)
JUDGE

pry

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