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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54617-2023 (O&M)
Date of Decision: 14.02.2024

GURPINDER SINGH	.. Petitioner
Vs.	
STATE OF PUNJAB	..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bhawesh Chaudhary, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.
Mr. Kuldeep Singh, Advocate for the complainant.

...

SUMEET GOEL, J. (Oral)

CRM-48734-2023

This is an application for amending the head note as well as prayer clause of the main petition as Section 325 IPC has been added later on in the subject FIR.

Notice in the application.

On asking of the Court, Mr. Anup Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State and does not oppose the prayer.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions and the petitioner shall be treated to have been granted interim pre arrest bail in respect of the offence punishable under Section 325 IPC as well in the order dated 08.01.2024.

CRM-M-54617-2023 (O&M)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 87 dated 22.08.2023

registered for offences punishable under Sections 326/354/323/325/506/34 IPC at Police Station Bilga, District Jalandhar.

2. On 08.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 87 dated 22.08.2023 registered for offences punishable under Sections 326/354/323/506/34 IPC at Police Station Bilga, District Jalandhar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the alleged incident is dated 13.08.2023 whereas the FIR in question came to be registered on 22.08.2023; there was no pre-mediation on the part of the petitioner as the dispute arose on account of irrigating their respective fields & the petitioner is willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 14.02.2024.

The petitioner is directed to appear before the Investigating Officer on 15.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from SI Kulwinder Singh, has stated that pursuant to the order dated 08.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation. However, learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the petitioner are serious in nature & hence he ought not to be granted the concession of pre arrest bail.

4. In view of above, the petition is allowed and interim order dated 08.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5.

This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6.

Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7.

Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8.

Pending application(s), if any, shall also stand disposed off.

14.02.2024

(SUMEET GOEL)

Jasmine Kaur

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No