

102(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-54719-2023 (O&M)
Date of Decision: 08.01.2024

Amritpal Singh Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Amaninder Preet, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by ASI Gurjit Singh.

Mr. J.S. Brar, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in DDR No. 31 dated 22.08.2023 under Sections 458, 323, 427, 148 read with Section 149 IPC (Section 325 IPC added later on), Police Station Sadar Faridkot, District Faridkot in FIR No.152 dated 21.08.2023, under Sections 323 & 148 read with Section 149 IPC (Section 325 IPC added later on) and (Section 458 IPC deleted later on), at Police Station, Sadar District Faridkot.

2. Allegations against the petitioner are that he along with co-accused formed an unlawful assembly and in prosecution of their common object, trespassed into the house of complainant Jaswinder Singh and hit Paramjit Singh on his head and left elbow with wooden stick whereas, co-accused Wahreguru Singh, Kala Singh and Manmohan Singh caused injuries to Jaswinder Singh and Paramjit Singh.

3. A Coordinate Bench of this Court vide order dated 02.11.2023, granted interim bail to petitioner and the same reads as under:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in cross case bearing DDR No.31 dated 22.08.2023, registered for offences under Sections 458, 323, 427, 148, 149, IPC, Section 325, IPC, was added, later on, at Police Station Sadar Faridkot, District Faridkot, Annexure P-7, in FIR No.152 dated 21.08.2023, registered for offences under Sections 323, 148, 149, IPC, Section 325, IPC, was added, and Section 458, IPC, was deleted, later on, at Police Station Sadar Faridkot, District Faridkot, Annexure P-1.

Counsel for the petitioner submits that the allegation against the petitioner is that he hit Paramjit Singh, on the head and left elbow with wooden stick. Counsel submits that petitioner has been named as an accused in DDR, which was recorded two days after the alleged incident. Reference has also been made by him to order dated 13.10.2023, Annexure P-10, whereby, some co-accused have been granted interim protection. Counsel submits that petitioner, who has a clean past, is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 08.01.2024.

To be heard with CRM-M-47598-2023.

Petitioner is directed to appear before the Investigating Officer on 16.11.2023 at 10.00 A.M. at Police Station Sadar Faridkot, District Faridkot, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police. Also submits that it is a case of version and cross-version.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

6. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated dated 02.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

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

08.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No