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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56670-2023 (O&M)

Date of Decision: 20.02.2024

GURBAKSH SINGH @ BHANVAIYA BAKSHISH

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.D. Sharma, Advocate for the petitioner.
Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.314 dated 04.10.2023 under Sections 306/120-B of the Indian Penal Code, 1860 registered at Police Station Division ‘B’, District Police Commissionerate, Amritsar.
2. On 09.11.2023, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.314 dated 04.10.2023 under Sections 306/120-B of the Indian Penal Code, 1860 registered at Police Station Division ‘B’, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner would contend that similarly situated co-accused, who is also the brother-in-law of the husband of the victim, has been granted the concession of anticipatory bail by this Court in CRM-M-53313-2023 vide order dated 19.10.2023. The learned counsel would further contend that all the allegations are against the husband, who stands arrested, and there are only vague allegations against the present petitioner.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab. Ms. Amisha Batra, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the State, on instructions from ASI-Major Singh, is not in a position to dispute the fact that the petitioner is similarly situated to Ranjit Singh who has been granted the concession of interim anticipatory bail in CRM-M-53313-2023.

List on 20.02.2024.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned State counsel, on instructions from ASI Jasvir Singh, has stated that pursuant to the order dated 09.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 09.11.2023 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.

20.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No