

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56685-2023(O&M)
Date of decision: 09.02.2024

Amritpal Singh alias Bitta
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Gahlawat, Advocate for the petitioner.
Mr. Jashan Preet Singh, DAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.225 dated 27.07.2023, under Sections 120B, 323, 324, 379, 341, 294, 504, 506, 148 read with Section 149 of Indian Penal Code, 1860, registered at Police Station Sadar Amritsar, Police Commissionerate Amritsar.

- (2) Allegations are that petitioner along with co-accused abducted the complainant; gave injuries with sharp edged weapons and urinated on his head.
- (3) This Court while issuing notice of motion on 09.11.2023, granted interim bail to the petitioner and which reads as under:-

“Prayer in the present petition under Section 438 Cr. P.C. is for grant of anticipatory bail in case FIR No. 225 dated 27.07.2023 under Sections 323, 324, 379, 341, 294, 504, 506, 148, 149 and 120B IPC registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

Learned counsel for the petitioner has argued that all the offences alleged are bailable in nature except for one under Section 379 IPC. It is submitted that the role attributed to the petitioner is that he took off the clothes of the complainant and also urinated

upon him to defame him and thereafter took him on the motorcyle to the haveli of co-accused Sukha where iphone 12 and Rs. 2500/- were snatched from him. It is submitted that prosecution version is highly improbable and it is unlikely that a person who has been urinated upon would be taken on a motorcycle along with the offender without bathing him. It is further submitted that co-accused who was attributed the role of having raised lalkara has also been granted the concession of anticipatory bail by this Court.

Notice of motion.

Mr. Sanish Girdhar, AAG., Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel on instructions from ASI Gurmeet submits that the motorcycle used i n the commission of crime was seized from the spot and petitioner along with other co-accused is also seen outside the house of the complainant in the CCTV footage forcibly abducting him with aid of Suraj @ Sherry, Rohit Kumar and Bhupinder Singh. However, he has not denied that all the injuries inflicted upon the complainant were later on declared simple in nature. He seeks time to file reply/status report.

List on 18.12.2023.

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

(4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel on instructions from ASI-Tarsem Singh submits that in pursuance of aforesaid order, petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 09.11.2023 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) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

09.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No