

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.3307 of 2023

Date of decision: 2nd May, 2024

Gurbinder Singh

... Appellant

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Ms. Malini Singh & Mr. Ankit Kundu,
Mr. Manoj K. Sharma and Ms. Ritu Sharma,
Advocates for the appellants.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Prince Goyal, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is seeking quashing of order dated 01.11.2023 passed by learned Additional Sessions Judge, Hoshiarpur, whereby their applications under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.133 dated 12.05.2023, under Sections 302, 120-B, 148, 149, 212, 216 IPC, Sections 25 and 27 of Arms Act and Sections 3 and 4 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act"), registered at Police Station Model Town, Hoshiarpur, was dismissed.

2. On 09.11.2023, while noticing the following submissions made by learned counsel for the appellant, a Coordinate Bench of this

Court had granted the concession of interim bail to the appellant and asked him to join investigation.

“Counsel for the appellant contends that FIR, Annexure A-1, has been primarily registered against Jaspreet Singh @ Channa, Sukha, Abhi @ Satya and 7/8 unknown persons for firing at Sajan, complainant's brother, and fatally injuring him. Counsel submits that the appellant has not been named in the FIR and allegations have been levelled against him by the complainant in the supplementary statement recorded 03 days later, 15.05.2023, Annexure A-3. By referring to the post-mortem report, Annexure A-4, counsel submits that the death of Sajan has occurred due to a single gunshot injury and a bullet has been found stuck near his scalp. Counsel submits that the appellant has been falsely implicated.”

3. Learned counsel for the appellant submits that in compliance of the order dated 09.11.2023, the appellant has joined investigation and cooperated with the investigating agency.

4. Learned State counsel has filed status report by way of affidavit of Amar Nath, PPS, DSP Sub Division City Hoshiarpur today in the Court, which is taken on record subject to all just exceptions. He, on instructions from ASI Ashok Kumar, has not disputed the submissions made by learned senior counsel for the appellant that no injury much less fatal has been attributed to him in the occurrence in question. Learned State counsel has further informed the Court that the car registered in the name of the appellant had been used by the

accused who traveled in it to the place of occurrence. On further instructions, he has also not disputed the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the appeal is allowed and the interim order dated 09.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 2, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No