

CRM-M-58374-2023 (O&M) 2024:PHHC: 063657 - 1 -

205/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58374-2023 (O&M)
DATE OF DECISION : 07.05.2024

GAGAN @ GURSEWAK SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gobind Singh Randhawa, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.092 dated 21.05.2023 under Sections 452/323/354/506/148/149 IPC registered at Police Station Beas, Police District Amritsar (Rural), District Amritsar.

2. On 20.11.2023 following order was passed:

“xxxx Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. Although, the petitioner is stated to have been armed with a stick but no injury has been attributed to him. Even the allegations with regard to outraging the modesty of the complainant have not been attributed to the petitioner. Jaspal Singh, one of the injured has also furnished an affidavit, Annexure P-2 indicating false implication of the petitioner. Subsequently, another FIR bearing No.93 dated 21.05.2023 under Sections 307/353/186/332/342/148/149/506 IPC has been registered at Police Station Beas, Police District Amritsar (Rural), District Amritsar, wherein the petitioner has been granted interim bail. The co-accused have also been granted interim bail by this Court.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the respondent-State and seeks adjournment to submit the reply in the matter.

5. Adjourned to 20.12.2023.

6. In the meanwhile, the petitioner is directed to join

investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.xxx”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Coordinate Bench of this Court.

4. Learned State counsel, on Instructions from ASI Balwinder Singh, has also confirmed that the petitioner has joined investigation. State counsel further informs that custodial interrogation of the petitioner is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 20.11.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 20.11.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

07.05.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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