

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206-1

CRM-M-58779-2023

Date of Decision : January 24, 2024

HARKAMAL SINGH

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Anshul Sharma, Advocate with
Mr. S.S. Thakur, Advocate
for the petitioner.

Mr. Digvijay Nagpal, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 22.11.2023, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“1. On oral request of the learned counsel for the petitioner, offence under Section 325 of the IPC is ordered to be added in the head-note of the petition, besides at all other place(s) in the petition, where it is required to be added. The learned counsel for the petitioner undertakes to file the correct particulars in the petition, during course of the day, before Registry of this Court.

2. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.105 dated 09.09.2023, under Sections 452, 324, 323, 379-B, 427, 506, 148, 149 of the IPC (Section 325 of the IPC added hereinabove), registered at P.S. Sadar Nakodar, District Jalandhar.

3. The relevant observations qua role of the present petitioner, as recorded in the order dated 09.11.2023, passed by the learned Additional Sessions Judge, Jalandhar, whereby, bail was declined to the petitioner, are extracted hereinafter:-

“....that complainant Jaskirat Singh has got registered the case with specific allegations that accused caused him injuries on his head with sharp edged weapons. Furthermore, applicant/accused alongwith his co-accused have also snatched Rs.12,000/- alongwith one mobile phone of Barinder Singh and all the injuries have also been inflicted after entering into shop of complainant and then after dragging him outside the shop....”

4. The record makes revelations that the complainant had suffered five injuries, out of which, one has been declared grievous in nature.

5. The learned counsel for the petitioner, in his asking for grant of relief (supra), makes submissions that neither the petitioner has been nominated as an accused in the FIR, nor he has been assigned any specific role whatsoever. The petitioner has been arrayed as an accused subsequently, upon his name being reflected in the supplementary statement, which is a result of concoction and premeditation.

6. Notice of motion for 24.01.2024.

7. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of State of Punjab. On instructions from ASI Sukhwinder Kumar, the learned State counsel intimates this Court that the petitioner has clean antecedents, as he is not involved in any other criminal case.

8. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Today, the learned State counsel, on instructions imparted to him by the official concerned, has stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation

and he is no longer required for custodial interrogation.

3.

In view of the above, the hereinabove extracted interim order dated 22.11.2023, as made by this Court, is made hereby absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4.

This order should not be treated as “blanket” order. It will not be read 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.
5.

Liberty is reserved in favour of State/complainant to move an appropriate application for cancellation/recall of this order, in case the petitioner violates any of the conditions, as stipulated in Section 438(2) Cr.P.C., 1973, or, upon showing any other sufficient cause.
6.

Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

January 24, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No