

2024:PHHC:036044

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

202

CRM-M-59059-2023
Date of Decision : **March 13, 2024**

SUKHVIR SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.H.S. Sandhu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr.Gaganvir Singh Gill, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Reply has been filed on behalf of the complainant. The same
is taken on record.

2. This Court vide order dated 23.11.2023, passed the
following order:-

*“1. 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.33 dated
20.05.2023, under Sections 323, 341, 34, 506, 427 of the
IPC (Section 307 of the IPC added later), registered at
P.S. Mulepur, District Fatehgarh Sahib.*

*2. The relevant observations qua role of the present
petitioner, as recorded in the order dated 10.11.2023,
passed by the learned Additional Sessions Judge,
Fatehgarh Sahib, whereby, bail was declined to the*

petitioner; are extracted hereinafter:-

“.....allegation against the applicant/accused are that he along with other co-accused trespassed into the house of the complainant and they gave injuries on her head, leg and right shoulder. The main injury on the head of the complainant with dah has been attributed to the applicant accused.....”

3. The learned counsel for the petitioner submits that initially the FIR (supra) was registered only under Sections 323, 341, 34, 506, 427 of the IPC, however, after approx. 5 months of its registration, offence under Section 307 of the IPC was added therein. He further submits that the complainant has suffered only one injury. Moreover, the mens rea of the petitioner to either commit murder or assault the complainant is yet a debatable issue.

4. Notice of motion for 11.01.2024.

5. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of State of Punjab.

6. 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.

7. However, it is clarified that, in case, there occurs any attempt on the part of the petitioner to henceforth cause any harm or to extend any threats to the complainant, the interim relief granted hereinabove shall stand automatically vacated.”

3. Today, the learned State counsel on instructions imparted to him by ASI Prithvi Raj, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

4. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 23.11.2023 is, hereby, made absolute.

(KULDEEP TIWARI)
JUDGE

March 13, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No