

CRM-M-59084-2023
Date of decision: 18.01.2024

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dilraj Singh Bhinder, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 68 dated 13.07.2023 registered under Sections 326/324/341/427/34 of Indian Penal Code at Police Station Maur, District Bathinda.

2. On 23.11.2023, following order was passed:

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.68 dated 13.07.2023, under Sections 326, 324, 341, 427 and 34 IPC, registered at Police Station Maur, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the occurrence is alleged to be of 08.07.2023 but the FIR was lodged after five days delay which remains unexplained. The petitioner has been arraigned as accused after deliberation. It is submitted that the FIR has been lodged on the statement of complainant-Jaswinder Singh that he was driving a car from Talwandi Sabo to village Jodhpur Pakhar and on the way, petitioner took lift from him. When they were short of their destination, petitioner asked the complainant to stop the car on the pretext of answering the call of nature. He had already called 3/4 boys alongwith one Nikka Singh, who were having gandas and dang. The petitioner took a gandas from Nikka Singh and gave a blow on his head, which landed on his left arm. Thereafter, another blow was given which landed on his left arm again. The complainant was given beatings by all of them and his vehicle was also vandalized. Some

time ago, they had also vandalized petitioner’s car. After freeing himself, complainant fled away from the spot. It is submitted that it is very unnatural for a person to give lift to a person who had some time back vandalized the vehicle of the complainant. It is further submitted that the above captioned FIR is a case of false implication. Learned counsel submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel seeks time to file reply/status report.

List on 18.01.2024.

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

3. Learned State counsel, on instructions from ASI Arjun Singh, submits that in compliance of order dated 23.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 23.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.
5. The petition is accordingly allowed.
6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

January 18, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

- (i)

Whether speaking/reasoned

Yes/No
- (ii)

Whether reportable

Yes/No