

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59826-2023
Date of decision: 16.02.2024

GURLAL SINGH ...Petitioner

VS

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Talwinder Singh, Advocate
for the petitioner.

Mr. Daksh Prem Azad, AAG, Punjab.
.....

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
69	23.05.2023	186, 332, 353, 379-B, 148, 149 IPC (Section 201 IPC added later on).	Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib

2. Learned counsel for the petitioner submits that in compliance to the order dated 29.11.2023, the petitioner has joined the investigation.
3. During the course of hearing on 29.11.2023, following order had been passed: -

*Instant petition has been filed under Section 438, Cr.P.C.,
for grant of anticipatory bail in:-*

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Section(s)</i>
69	23.05.2023	Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib	186, 332, 353, 379-B, 148 and 149, IPC, (Section 201, IPC, was added, later on).

Counsel for the petitioner urges that petitioner, who is running a dhaba, has been falsely implicated along with his family members in the FIR, Annexure P-1. Counsel submits that petitioner’s family members have been granted anticipatory bail by this Court by orders dated 29.08.2023 and 07.10.2023, Annexure P-5, (colly). Counsel submits that the allegation against the petitioner is that he instigated the co-accused to attack the police officials, who sustained injuries, and also snatched their mobile phone. While inviting the attention of the Court to the MLRs, Annexure P-2, (colly) of both the police officials, counsel asserts that the injuries suffered by them are simple. Counsel submits that petitioner, who is surviving on his daily earnings, and has a clean past, is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 16.02.2024.

Petitioner is directed to appear before the Investigating Officer on 15.12.2023 at 10.00 A.M. at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.

*He shall also abide by the conditions as specified under
Section 438 (2) Cr.P.C.*

4. Learned State counsel on instructions from S.I. Karamjit Singh, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 29.11.2023 passed by this Court, interim bail granted vide order dated 29.11.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |