

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M No. 61531 of 2023
Date of Decision: 05.02.2024

Tej Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Salathia, Advocate for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.
Mr. Naveen Kaushik, Legal Aid counsel for the complainant.

HARPREET SINGH BRAR, J.(ORAL)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 0120 dated 17.09.2022 registered under Sections 341, 323, 324, 506, 148, 149 IPC, 1860 (offence under Sections 307, 379-B, 325, 427, 201 IPC, 1860 added later on) at Police Station Jaito, District Faridkot.

2. On 05.01.2024, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.0120 dated 17.09.2022 under Sections 341, 323, 324, 506, 148, 149 of Indian Penal Code (Sections 307, 379-B, 325, 427, 201 of IPC added later on) registered at Police Station Jaito, District Faridkot (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the main accused is Manpreet Singh and the complainant has suffered 14 injuries and out of those injuries, 13 have been declared as simple in nature and the

invocation of Section 307 of Indian Penal Code in the absence of any medical opinion would be a moot point to be determined by the learned trial Court. The petitioner is not involved in any other case.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 05.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. .”

3. Learned State counsel on instructions from ASI Surinderjit Singh, submits that in compliance of order dated 05.01.2024 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 05.01.2024, is made absolute. The petitioner shall abide by

the terms and conditions enumerated in Section 438(2) of Cr.P.C.

5. The petition is accordingly allowed.

05.02.2024

(HARPREET SINGH BRAR)
JUDGE

Rajeev (rvs)

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