

CRM-M-63162-2023
Date of decision: 24.01.2024

Jaskaran Singh @ JassiPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Akhil Dadwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in FIR No.332 dated 18.10.2023 under Sections 452/323/324/148/149 of IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1).

On 15.12.2023, the following order was passed:-

‘The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in FIR No.332 dated 18.10.2023 under Sections 452/323/324/148/149 of IPC registered at Police Station Tanda, District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the only allegation against the petitioner is causing the stick blow on the right side of chest of the complainant which is simple in nature. The Division Bench of the Allahabad High Court in ‘Mohd. Zaid Vs. State of U.P. and another’ Cr.P.C. No.8361 of 2020 decided on 24.05.2023

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has answered the reference to conclude that a juvenile or a child in conflict with law has equal efficacious right to seek his remedy under Section 438 Cr.P.C. like any other citizen and he cannot be rendered remediless, the inquiries as provided under the Act can be done while the juvenile is on anticipatory bail.

Notice of motion.

On the asking of the Court, Ms. Navreet Kaur Barnala, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*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 a period of two weeks 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 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 Officer/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 24.01.2024.

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. '

Learned State counsel on instructions from ASI Harminder Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.12.2023 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.01.2024
Neha

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