



CRA-S-3851-2023

(1)

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

[248-1]**CRA-S-3851-2023****Date of decision: 07.08.2024**

Ekamjot Singh

.....Appellant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.P.S. Ahluwalia, Advocate for the appellant.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 20.11.2023 passed by learned Additional Sessions Judge, Amritsar, whereby his application under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.32 dated 17.05.2023 under Sections 302, 323, 324, 427, 341, 120-B, 148 and 149 of the Indian Penal Code, 1860 and Section 3 (1) (L) (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Jahnder, Amritsar, has been dismissed.

2. On the last date of hearing i.e. on 01.05.2024 while noticing the following submissions made by the learned counsel for the appellant, this Court had granted the concession of interim bail to the appellant and asked him to join investigation:-

“(i) The alleged occurrence, which is stated to be an eyewitness account, allegedly took place on 15.05.2023.

(ii) On 17.05.2023, the complainant i.e. father of the deceased named six persons, who allegedly participated in



the crime in question, however, the appellant was not named therein.

(iii) On 19.05.2023, the deceased succumbed to his injuries, which was then followed by a second supplementary statement under Section 161 of the Cr.P.C. made on 20.05.2023, wherein yet again, the complainant did not name or attribute any role to the appellant in the crime in question.

(iv) During investigation, the statement of two alleged eyewitnesses i.e. Kuldeep Singh and Manpreet Singh were recorded under Section 161 of the Cr.P.C., wherein yet again, neither was the appellant named nor any role attributed to him in the crime in question.

(v) Subsequently, co-accused Maninder Singh was arrested on 30.05.2023, wherein after he suffered a disclosure statement, yet again, there was no mention about the appellant or any role played by him in the crime in question in the said statement. The first disclosure statement was followed by his second statement on 01.06.2023, wherein again, the appellant was not named. However, it was on 02.06.2023, while making his third disclosure statement, for the first time, the role of the appellant was spelt out, wherein he was attributed an injury on the right arm of the deceased, which as per the initial version in the FIR, had been attributed to accused Balram Singh.”

3. Learned counsel for the appellant has submitted that the appellant, in compliance of order dated 01.05.2024, has joined the investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, has not disputed the submission made by the counsel opposite. He, on further instructions, submits that the appellant is not required for custodial interrogation.



5. In view of the above, present appeal is allowed and interim order dated 01.05.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC.

AUGUST 07, 2024

(MANJARI NEHRU KAUL)

*Anjal**

JUDGE

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