
(2021) 11 P&H CK 0121

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 39212 Of 2021

Gursewak Singh @ Bohra Singh @ Ghudda

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 24-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 307, 323
Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Citation : (2021) 11 P&H CK 0121

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Parminder Singh Sekhon, Kirat Singh Sidhu

Final Decision : Disposed Of

Judgement

Harsimran Singh Sethi, J

The petitioner is seeking anticipatory bail in FIR No. 142 dated 23.07.2021 registered under Sections 307, 323, 148 and 149 of the IPC at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 21.09.2021. Order dated 21.09.2021 is as under:-

"The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.142 dated 23.07.2021 registered under Sections 307, 323, 148 and 149 of the IPC at Police Station Dharamkot, District Moga.

Learned counsel for the petitioner argues that the petitioner is similarly situated as co-accused namely, Inderjit Singh @ Labba and Sukhchain Singh @ Bura, who have already been granted the benefit of anticipatory bail by this Court while passing order in CRM-M-38028 of 2021 on 14.09.2021 as no allegation of

causing any injury has been attributed to the petitioner as well. Learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and, therefore, on the ground of parity, the petitioner is entitled for the grant of anticipatory bail especially, in view of the fact that the present FIR was got registered after three months of the alleged incident and the petitioner is ready to join and cooperate in the investigation.

Notice of motion for 22.11.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that the present FIR was registered in July, 2021 though, the incident occurred in April 2021 and further that the allegations alleged against the petitioner are similar in nature as alleged against the co-accused namely, Inderjit Singh @ Labba and Sukhchain Singh @ Bura, who have already been granted the benefit of anticipatory bail by this Court while passing order in CRM-M-38028 of 2021 on 14.09.2021.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is similarly situated as co-accused namely, Inderjit Singh @ Labba and Sukhchain Singh @ Bura, who have already been granted the benefit of anticipatory bail by this Court while passing order in CRM-M-38028 of 2021 on 14.09.2021 and no differentiating fact between the petitioner and the said co-accused has been brought to the notice of this Court by the learned State counsel so as to deny him the benefit of parity, the petitioner has made out a case for the grant of benefit of anticipatory bail.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C."

Learned State counsel, who has also joined the proceedings through video

conference, on instructions from ASI Jasbir Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 21.09.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.