



201 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-11839-2024
Date of Decision:21.01.2025

Harjinder Singh @ Gujjar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Gagandeep Kaur, Advocate for
Mr. Arshdeep Singh Khaira, Advocate,
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Divyansh Vats, Advocate for
Mr. H. S. Batth, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
100	12.05.2020	Kamboj, District Amritsar Rural	326, 324, 323, 148 and 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 of Cr.P.C., seeking anticipatory bail.
2. Vide order dated 06.03.2024, the petitioner was granted interim bail, which is continues till today.
3. The petitioner's counsel prays for bail by imposing any stringent conditions including not entering in the property of victim. The petitioner's counsel argued that the custodial investigation would serve no purpose

whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The State's counsel opposes bail and refers to the following para of the reply:-

“That the petitioner is not entitled to concession of a pre-arrest bail in view of seriousness of the allegations and gravity of the offence committed by him along with the other co-accused. The custodial interrogation of the petitioner is required for the fair investigation of the case to take the investigation to its logical conclusion to prove the prosecution case during the trial.”

5. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

6. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the following additional conditions.

7. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the victim's property, workplace, and residence until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of*

Investigation, 2018 All SCR (Cr1.) 458); and Aparna Bhat v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

8. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
9. **Petition allowed and order dated 06.03.2024 is made absolute.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.01.2025

M.Sikka

Whether speaking/reasoned: Yes
Whether reportable: No