

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-105-2015

Date of decision: 23.03.2015

Swaran Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. Balram Singh, Advocate for
Mr. HS Brar, Advocate for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

Mr. AS Brar, Advocate for the complainant.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 82 dated 30.08.2014 registered under Section 302 read with Section 34 of the Indian Penal Code (IPC) and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that there are three accused in the instant case including the petitioner and the other two accused are in custody. The role attributed to the petitioner was that he caught-hold the complainant.

When this case was listed on 06.01.2015, following order

was passed:-

“Learned counsel for the petitioner has submitted that petitioner was found innocent during investigation. No injury is attributed to the petitioner. However, now petitioner has been summoned under Section 190 of Code of Criminal Procedure, 1973.

Notice of motion for 23.03.2015.

In the meantime, petitioner is directed to surrender before the Summoning Magistrate and Summoning Magistrate shall release the petitioner on interim bail subject to its satisfaction.”

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the complainant and carefully gone through the paper-book.

Allegations against the petitioner were that he first stopped the deceased and then caught-hold of the complainant. There is no injury on the person of complainant. During investigation, the petitioner was arrested on 03.09.2014 and was granted bail on 25.11.2014 because there was a report from the Investigating Agency that he was found innocent and kept in column No. 2 of the challan. Thereafter, on presentation of the challan, the Committing Magistrate, took cognizance against him also in terms of Section 190 Cr.P.C. and issued him summons to appear.

Learned counsel for the complainant submits that the police was hand-in-glove with the petitioner because his arrest warrants were issued by the Committing Magistrate but the same were not executed and

salary of the ASI concerned was also ordered to be attached by the Magistrate.

On instructions from HC Joginder Singh, learned State counsel submits that in terms of order dated 06.01.2015, the petitioner appeared before the Committing Magistrate and furnished the bail bonds. He further submits that now the case has been committed to the Sessions Court and after framing of charge, the case is now fixed for evidence of prosecution.

Looking into the facts and circumstances of the case as discussed above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioner vide order dated 06.01.2015 is made absolute. The petitioner shall keep on appearing before the trial Court regularly.

March 23, 2015
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(R.P. NAGRATH)
JUDGE