

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 207

Criminal Miscellaneous No.M-15212 of 2015 (O & M)

Date of Decision: July 20, 2015

Prem Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

. . .

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

. . .

PRESENT: - Mr. G.S. Kaura, Advocate, for the petitioner.

Mr. T.N. Sarup, Additional Advocate General, Punjab.

. . .

Jaspal Singh, J (Oral)

1. This is a petition under Section 438 Cr.P.C. preferred by Prem Singh, seeking pre-arrest bail, apprehending his arrest in case FIR No.144 dated July 24, 2013, under Sections 307, 452, 323, 336, 427, 506, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station, Morinda, District Rupnagar.

2. While issuing notice of motion on May 15, 2015, following order was passed by this Court:-

“Learned counsel for the petitioner, inter-alia, contends that after registration of instant case, investigation was conducted, during which, petitioner was found innocent and at the time of presentation of Challan [report under Section 173(2) Cr.P.C.], his name was mentioned in Column No.2. However, subsequent thereto, on the basis of an application under Section 319 Cr.P.C. moved by prosecution, he has been summoned to stand trial as an additional accused with his co-accused, already facing trial.

Moreover, injury which has been attributed to the petitioner is simple and is alleged to have been caused with Sword.

Notice of motion for 20.7.2015.

Meanwhile, petitioner is directed to appear before the Trial Court within a period of seven days from today, however, he shall be released on interim bail subject to satisfaction of Trial Court.”

3. Learned State counsel, on instructions from HC – Dilbagh Singh, submits that petitioner has already joined investigation in compliance of order dated May 15, 2015.

4. Since petitioner has been summoned under Section 319 Cr.P.C. to stand trial as additional accused with his co-accused, already facing trial, his custodial interrogation is not required. Otherwise also, trial is not likely to mature in the near future.

5. Keeping in view all the aspects of the case and without commenting on merits of the case, petition is allowed. Order dated May 15, 2015 is hereby made absolute. It is directed that petitioner shall abide by all the conditions envisaged under Section 438(2) Cr.P.C.

July 20, 2015
avin

(Jaspal Singh)
Judge