

CRM No. M-19361-2015

Date of decision:- July 28, 2015

Rakesh

.....Petitioner..

Vs.

State of Punjab

...Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Atul Goyal, Advocate
for the petitioner.Mr. Deepak Garg, AAG, Punjab
for the respondent-State.JASPAL SINGH, J.

The present petition has been preferred by Rakesh-petitioner, under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail, feeling apprehension of his arrest, in case bearing FIR No. 61 dated 27.04.2015, under Sections 306, 323, 506 and 34 of IPC (304 IPC added later on) registered at Police Station Model Town, District Ludhiana.

At the time of issuing notice of motion, following order was passed by the Coordinate Bench of this Court:-

“Counsel contends that as per the FIR, the petitioner accompanied alongwith Rahul, the husband of the complainant was member of the gathering in which father-in-law of Rahul had suffered a heart attack and, therefore, there is no such intention of causing his death. It is submitted that one Kulwinder Singh has been granted regular bail on 02.06.2015 (Annexure P-3) and there were no external marks of injury on the person of the deceased. That the petitioner is not required for any recovery as such and the husband Rahul is still in custody. Notice of motion for 14.07.2015. In the meanwhile, it is directed that the petitioner shall join investigation and in the event of arrest of petitioner, he shall be released on bail by the arresting officer, subject to the conditions laid down in Section 438(2) Cr.P.C”.

Concededly, in compliance of the order dated June 08, 2015, passed by this Court, petitioner has joined the investigation thrice as submitted by learned State counsel on instructions from HC Madan Lal. This is also an admitted fact that petitioner is not related to the husband of the complainant.

In the light of the above narrated fact but without expressing any opinion on the merits of the case, this Court is of the opinion that case is made out for pre-arrest bail. Hence, order dated *June 08, 2015*, is made absolute.

(JASPAL SINGH)
JUDGE

July 28, 2015
m. sharma