

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-23039 of 2015

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Date of decision:25.8.2015

Soni alias Sukhchain Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Rajinder Sharma, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.171 dated 12.8.2012 registered for the offences under Sections 307, 452, 324, 326, 323, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Lopoke, District Amritsar.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Rajinder Sharma, learned Advocate has appeared for the complainant and contested this petition. Police record is also available.

I have heard learned counsel for the parties and have gone

through the record.

From the record, I find that on the statement of complainant-Nirmal Singh FIR was registered on 11.8.2012. The allegation is that the present petitioner fired from the gun and caused injury to complainant's father-in-law, namely, Harbirpal Singh, which hit on his left thigh. It is argued that the medical report does not corroborate with the FIR version. The petitioner was kept in column No.2 after the investigation and he has been summoned under Section 319 Cr.P.C. by the Court.

In view of the interim order passed on 21.7.2015, the petitioner has already appeared before the trial Court and has been released on interim bail. A perusal of the record shows that the petitioner is not required for any investigation or interrogation purposes. He was found innocent by the Investigating Officer. Now he has been summoned by the Court under Section 319 Cr.P.C. He is only to face the trial. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 21.7.2015 passed by this Court granting interim relief to the petitioner is made absolute.

August 25, 2015.

(Inderjit Singh)
Judge

hsp