

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-27937 of 2013 (O&M)
Date of Decision: 25.05.2015.

Ram Kumar

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. S.S. Brar, Advocate for respondent no.2.

TEJINDER SINGH DHINDSA.J

Petitioner seeks the benefit of pre-arrest bail in case F.I.R. No. 86 dated 12.3.2013 under sections 307, 452, 382, 323, 148, 149, 420, 120-B I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Tripari Town, District Patiala.

On 26.9.2013, while issuing notice of motion, the following order was passed by this Court:-

“CRM No. 40343 of 2013.

Prayer in this application is for placing on record the additional affidavit of the petitioner.

Heard.

The additional affidavit is taken on record.

The Registry is directed to place the document and the application at proper place.

Criminal Miscellaneous Petition disposed of.

CRM-M-27937 of 2013

Prayer in this petition is for grant of anticipatory bail to the petitioner, Ram Kumar, who has been booked for having committed the offences punishable under Sections 120-

CRM No. M-27937 of 2013 (O&M) -2-

B, 148, 307, 323, 382, 420, 452 read with Section 149, IPC and Section 25 of the Arms Act, in a case arising out of FIR No. 86, dated 12.03.2013, registered at Police Station, Tripari Town, District Patiala.

Learned counsel contends that even if the contents of the FIR and the other material collected by the investigating agency are taken on their face value then also, the conspiracy to commit the offence punishable under Section 307, IPC, is not made out qua the petitioner; and that the Station House Officer, Karan Sher Singh, has falsely implicated the petitioner in the present case on account of the complaint lodged by him (petitioner) against Karan Sher Singh.

Notice of motion for 18.11.2013.

Meanwhile, in the event of his arrest, the petitioner shall be released on ad-interim anticipatory bail subject to his furnishing personal bond in the sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the Arresting Officer.

The petitioner shall join the investigation as and when required to do so and abide by all the conditions laid down in Section 438(2) Cr.P.C.”

Thereafter, during the course of hearing of this petition on 26.5.2014, this Court was apprised that after completion of investigation challan had been presented against the petitioner and others and the investigating agency had applied before the Trial Court for grant of permission to conduct further investigation and which was granted on 24.12.2013. In pursuance thereto the S.P. (Detective), Sangrur had conducted an inquiry and had found the petitioner to be innocent. Accordingly, court was informed that a supplementary challan was likely to be presented before the Trial Court. Thereafter, on 9.12.2014 State counsel had informed the court that the petitioner has been declared innocent in the

inquiry conducted by S.P. (Detective), Sangrur and such report is pending

approval before the competent higher police authorities.

Thereafter, when the matter was taken up on 21.4.2015 directions had been issued to the State to file a specific affidavit as regards approval granted by the D.I.G., Patiala Range, Patiala on the inquiry report furnished by the S.P. (Detective), Sangrur.

In pursuance to such directions, an affidavit dated 14.5.2015 of the Dy.S.P., City-II, Patiala has been placed on record and a perusal thereof would reveal that upon the inquiry report having been furnished the D.I.G., Patiala Range, Patiala had in turn directed S.S.P., Patiala to take further necessary action. In para 6 of the affidavit, it has been deposed that a supplementary report under section 173 (8) Cr.P.C was prepared and forwarded by S.H.O., Police Station, Tripari, Patiala on 10.4.2015 for withdrawing criminal proceedings against the petitioner from the Trial Court. It has further been stated that the same has been presented before the learned J.M.I.C., Patiala on 16.4.2015.

In the light of such developments noticed herein above, the instant petition is allowed and the order dated 26.9.2013, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.05.2015
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