

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M No.3379 of 2015

Date of Decision:19.02.2015

Jagsir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Ashok Kumar Khunger, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.106 dated 01.11.2011, on accusation of having committed the offences punishable under Sections 382, 308, 323, 148, 149 IPC and Sections 25 & 27 of The Arms Act, by the police of Police Station Dayalpura, District Bathinda.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed on February 04, 2015 by this Court:-

“Learned counsel, inter alia, contended that the petitioner was falsely implicated in this case as back as on 01.11.2011 by the complainant in order to wreak vengeance. Now the police intends to arrest him (petitioner) i.e. after elapse of a period of more than three years, without any cogent reasons. The argument is that even the simple injuries are attributed to the present petitioner. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by means of order dated 17.04.2012 in CRM-M No.8189 of 2012 (Annexure P-3), by a Co-ordinate Bench of this Court(L.N.Mittal, J.).

Heard.

Notice of motion be issued to the respondent, returnable for 19.02.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs.25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Inderjit Singh, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report(challan) against the accused, so, the conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by means of indicated order of this Court, is hereby made absolute, subject to the compliance of

the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail in this Court.

February 19, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE