

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M No.41249 of 2014

Date of Decision:12.01.2015

Sarabjeet Singh @ Sarba

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr.K.S.Brar, 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 cross-case registered against him along with his other co-accused, vide FIR No.212 dated 22.09.2014, on accusation of having committed the offences punishable under Sections 307, 506, 148 and 149 IPC, by the police of Police Station City Kotkapura, District Faridkot.

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 considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, a Coordinate Bench(Anupinder Singh Grewal, J.) of this Court passed the following

order on December 03, 2014:-

“Learned counsel for the petitioner contends that the petitioner himself had received 14 injuries at the hands of the complainant party and as a result thereof his right eye has been totally damaged. He further states that the father of the complainant, who was injured in the occurrence has been discharged from the hospital.

Notice of motion for 12.01.2015.

In the meantime, the petitioner shall appear before the Investigating Officer on 15.12.2014 at 11.00 a.m. and join the investigation. In the event of his arrest, he be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction. He shall, however, abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

5. At the very outset, on instructions from HC Swaran 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 totality of facts & 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 virtue 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.

January 12, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE