

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-41419 of 2014
Date of decision: - 08.01.2015

Mohammad Sadiq

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. C.L. Pawar, Advocate,
for the petitioner.

Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.6 dated 24.01.2013, on accusation of having committed the offences punishable under Sections 363, 366, 366-A and 302 read with Section 120-B IPC, by the police of Police Station Mukandpur, District S.B.S. Nagar.

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

4. What cannot possibly be disputed here is that neither the name of the petitioner is mentioned nor any particular role is attributed to him in the FIR. He was subsequently involved in this case. During the course of investigation, he was found innocent and was exonerated by the police. However, in the wake of application under Section 319 Cr.P.C., filed on behalf of the prosecution, he was summoned to face the trial as additional accused by the trial Court. In statement of the complainant very vague and general allegations are assigned to him.

5. Not only that, during the course of preliminary hearing, the petitioner was directed to appear/surrender and the trial Court was directed to admit him to interim (provisional) bail, by virtue of order dated December 12, 2014, by this Court.

6. At this stage, learned counsel for the petitioner has placed on record the true copy of order dated 15.12.2014, affidavit and stated at the bar that the petitioner has already appeared/surrendered and bail & surety bonds furnished by him, in pursuance of the pointed order of this Court, were attested and accepted by the trial Court.

7. In the light of aforesaid reasons and taking into consideration the totality of facts and 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, the instant petition for anticipatory bail is accepted. The interim (provisional) bail already granted to the petitioner, by way of indicated order of this Court, is hereby made absolute.

8. Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail.

January 08, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE