

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-4230 of 2015
Date of Decision:- 09.03.2015

Malkiat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Manbir Singh Basra, Advocate, for the petitioner.

**Mr. Gurveer Singh Sidhu, 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.40 dated 28.06.2014, on accusation of having committed the offences punishable under Sections 323, 324, 427, 201 and 34 IPC and Section 25 of The Arms Act (the offence punishable under Section 326 IPC first added, then deleted), by the police of Police Station Sanaur, District Patiala.

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. During the course of preliminary hearing, the following order was passed by this Court on February 09, 2015: -

“Learned counsel, inter alia, contended that neither any injury or particular part is attributed to the petitioner, except that, he fired in the air, but shot did not hit anybody. The argument is that even as per the prosecution version, the injuries on the person of Sukhjot Singh, are simple in nature and no offence punishable under Section 326 is made out, which stands already deleted. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by virtue order dated 29.01.2015 in CRM-M No.43227 of 2014, by this Court.

Heard.

Notice of motion be issued to the respondent, returnable for 02.03.2015.

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 Kamaljit Sharma, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation and offence punishable under Section 326 IPC has already been deleted on the basis of medical opinion by the police. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. The conclusion of trial will naturally take a long time.

6. Not only that, Karanvir Singh, co-accused of the petitioner, was granted the benefit of concession of anticipatory bail, by means of order dated 29.01.2015 in CRM-M No.43227 of 2014, by this Court. Therefore, I see no reason not to grant the concession of pre-arrest bail to

the present petitioner under the same set of circumstances as well.

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 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, 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. 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.

March 09, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE