

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.43645 of 2014

Date of Decision:13.01.2015

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr.Vikas Bahl, Senior Advocate,
with Manbir Singh Batth, 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 pre-arrest bail, in a case registered against him along with his other co-accused, namely, Balbir Singh son of Sohan Singh, Balbir Singh son of Swaran Singh and others, vide FIR No.48 dated 18.06.2014, on accusation of having committed the offences punishable under Sections 306, 506 and 120-B IPC, by the police of Police Station Behram, District Shaheed Bhagat Singh 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 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(M.M.S.Bedi, J.) of this Court passed the following order on December 22, 2014:-

“Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Kuljit Singh alleging that his brother Hardeep Singh was harassed by the petitioner as his sister was married to Hardeep Singh. Wife of Hardeep Singh has already been granted the concession of regular bail.

Notice of motion to the Advocate General, Punjab for 13.01.2015.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 3.1.2015. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”

5. At the very outset, on instructions from ASI Hira Lal, 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. Not only that, Balbir Singh son of Sohan Singh and Balbir Singh son of Swaran Singh, similarly situated co-accused of the petitioner, were granted the concession of anticipatory bail, by means of order dated 23.09.2014 in CRM-M No.28064 of 2014 and order dated 27.11.2014 in CRM-M No.38109 of 2014 by this Court. Therefore, I see no reason not to extend the same benefit of pre-arrest bail to the present petitioner as well under the similar set of circumstances.

7. 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 13, 2015
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(**MEHINDER SINGH SULLAR**)
JUDGE