

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No. M-895 of 2015
Date of Decision: 26.3.2015**

Jagtar Singh

--Petitioner.

Vs.

State of Punjab

-Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. T.P.S.Tung, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR 131 dated 25.11.2014 under Section 302/201/120-B IPC, registered at Police Station Raikot, ; Police District Ludhiana Rural.

Learned counsel for the petitioner submits that in compliance of the order dated 13.1.2015 passed by this Court, petitioner has joined the investigation. He further submits that there were no allegations against the petitioner under Section 302 IPC. He simply attended the cremation of the deceased, being a co-villager of the parents of the deceased. He also places reliance on order dated 13.2.2015 in CRM-M-44561 of 2014 (Shingara Singh Vs. State of Punjab), wherein Shingara Singh was granted anticipatory bail by this Court and the present petitioner is similarly situated with abovesaid Shingara Singh. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Nidhan Singh, Police Station Sadar Raikot, submits that there were serious allegations against the petitioner under Section 201/120-B IPC. He further submits that petitioner facilitated the main accused in committing the offence under Section 201 IPC. His case was not similar with Shingara Singh. He prays for dismissal of the petition.

Having heard the learned counsel for the parties and after careful perusal of record of the case, this Court is of the considered opinion that petitioner is similarly situated with Shingara Singh, who was granted anticipatory bail on 13.2.2015. Admittedly, no allegation was alleged against the petitioner in the impugned FIR qua offence under Section 302 IPC. He has also joined the investigation in compliance of the order dated 13.1.2015 passed by this Court. Report under Section 173 Cr.P.C. has already been presented to the court of competent jurisdiction. In this view of the matter, custodial interrogation of the petitioner is not required.

In view of the above, present petition is allowed and order dated 13.1.2015 is hereby made absolute, however, subject to conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

26.3.2015
AK Sharma