

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

**CRM No.M-13401 of 2016 (O&M)
Date of Decision: July 15, 2016**

Mandeep Singh @ Gulaba

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.K.D.Sachdeva, Addl. Advocate General, Punjab
for the respondent-State.

Mr.N.K.Vadhera, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.161 dated 03.08.2015 under Sections 302, 307, 325, 341, 506, 148, 149 and 120-B IPC, registered at Police Station Sadar, Jagraon, District Ludhiana.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

From the record, I find that the present petitioner has been found innocent during the investigation of the case. A supplementary challan has been filed in which the present petitioner has been kept in column No.2 having been found innocent. Learned counsel for the

petitioner argued that learned Magistrate discharged the petitioner from the case as the challan was not presented against him but he remained appearing before the Court. The petitioner has not been summoned either under Section 190 Cr.P.C. by the Magistrate or under Section 193 Cr.P.C. by the Sessions Court.

Learned counsel for the petitioner also placed on record some interim orders, in which the petitioner has been shown on bail. The petitioner has also filed an application for his discharge before Sessions Court.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that challan has not been presented against present petitioner by the police and he was kept in column No.2. No order has been passed by Sessions Court under Section 193 Cr.P.C. for taking cognizance. Learned Judicial Magistrate has already discharged the accused-petitioner from the case. Further, I find that the petitioner is not required for any investigation or interrogation purposes. Even if the Sessions Court feels that the charge is made out against him or frames charge against the petitioner as per law, even then, the petitioner is only to face the trial.

The trial of the case will take long time. There is nothing on the record that the present petitioner has tampered with the evidence or has made any attempt to do so, after the period he was released from the custody.

Keeping in view the facts and circumstances of the present case

and without discussing the facts of the case in minute details and without

expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted. In the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Sessions Court, subject to the condition that he will not leave the country without prior permission of the Court and will not tamper with the evidence.

July 15, 2016
Vgulati

(INDERJIT SINGH)
JUDGE