

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

CRM-M -13956 of 2016 (O&M)
Date of decision: 25.10.2016

Daljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Nishan Singh.

Mr. Veneet Sharma, Advocate and
Mr. Sandeep Sharma, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in DDR No.20 dated 24.05.2015, registered under Sections 307, 506 and 148 read with Section 149 IPC and Sections 25 & 27 of Arms Act in FIR No.69 dated 24.05.2015, lodged under Sections 307, 506 and 148 read with Section 149 IPC and Sections 25 & 27 of Arms Act, at Police Station Raja Sansi, District Amritsar.

On 10.05.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C

seeking the concession of anticipatory bail to the petitioner in cross version case registered vide Report No.20 of Rojnamcha dated 24.5.2015 under sections 307, 506, 148, 149 I.P.C read with sections 25, 54, 27, 59 of Arms Act at Police Station Raja Sansi, District Amritsar in case F.I.R No.69 dated 24.5.2015 under sections 307, 506, 148, 149 I.P.C read with sections 25, 54, 27, 59 of Arms Act at Police Station Raja Sansi, District Amritsar.

It is the contention raised by counsel that it is a case of version and cross-version. F.I.R stands registered at the instance of paternal uncle of the present petitioner and against the complainant Avtar Singh and others.

It is submitted that the cross-version has been got recorded as a mere counter blast to the F.I.R. Furthermore, it is contended that as per cross-version the occurrence is stated to be of about 8.30 A.M on 24.5.2015. Allegations against the petitioner is that he was armed with a 12 bore gun and had given a fire arm injury on one Kuldip Singh. Counsel would refer to the documents placed on record at Annexures P-3 to P-5 to contend that the petitioner being a student of B.A 6th semester at Guru Angad Dev College, Khadur Sahib, Amritsar in fact was appearing in an examination on the very date of the occurrence from 8.30 A.M to 11.30 A.M and at a centre which is about 70-80 kms. away from the spot of occurrence. On the strength of documents at Annexures P-3 to P-5, it is contended that the petitioner was not even present at the spot of occurrence.

List for further consideration on 19.8.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

There is no assistance on behalf of the petitioner.

The learned State counsel, on instructions submits that in pursuance of the order dated 10.05.2016, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 10.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

25.10.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No