

CRM-M No.19192 of 2016 (O&M)

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207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19192 of 2016 (O&M)
Date of decision : 07.09.2016

Jyot Parkash Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K.Bajaj, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

On 30.05.2016 the following order was passed :-

“Prayer is for grant of anticipatory bail to accused petitioner Jyot Parkash Singh in cross version recorded as rapat no.41 dated 27.8.2014 under Sections 302,307,148,149 IPC in FIR No.84 dated 23.8.2014 also inter alia under Section 302 IPC, PS Sadar Phagwara, District Kapurthala for the occurrence at around 1 O' Clock in the morning of 23.8.2014 at Haveli Restaurant between two groups of boys. An FIR and a cross version was got recorded for murder of one person each on both sides.

Petitioner accused belongs to the complainant group who were first attacked by the accused party and the main accused Rohit Sharma alongwith others had inflicted knife blows on Rohit Sabherwal and others leading to the death of Rohit Sabherwal. In the cross fight even main accused Rohit Sharma succumbed to his injuries leading to the aforesaid cross version by the brother of the deceased, who concededly was not present at the site.

It is contended that the petitioner was a juvenile on the day of occurrence and happens to be from the complainant party celebrating the birthday of Sahil Puri organised by Rohit Sabherwal(since deceased).

It is submitted that no role has been attributed in the cross version except being part of the group and it is contended that petitioner is not armed and no overt act has been attributed to him and that is the reason that for almost two years no action was taken by the police.

Notice of motion for 7.7.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Learned Additional Advocate General accepts the fact that the petitioner has joined the investigation and is no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 30.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

07.09.2016
Pooja sharma-I

(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No