

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

CRM No.M-23215 of 2016 (O&M)

Date of Decision: August 12, 2016

Gian Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.N.S.Sodhi, Advocate
for the petitioner.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.28 dated 04.02.2013 under Sections 302 and 201 IPC, registered at Police Station Sadar Ferozepur, District Ferozepur.

Notice of motion was issued and learned State counsel appeared and contested the petition.

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

From the record, I find that the FIR is of the year 2013 registered under Sections 302 and 201 IPC. The challan was presented against the main accused Surjit Singh and others, and the present petitioner

along with other co-accused have been shown in column no.2 but it was stated that whenever they will be arrested, the challan will be presented against them. Since 2013, neither any warrants were taken by the police to arrest the present petitioner nor any proceedings to declare him proclaimed offender have been initiated. The main accused along with others have already been acquitted. No challan has been presented against the present petitioner. No investigation is going on at this stage. The present petitioner is also not the main accused. It is also argued by learned counsel for the petitioner that in the main case, the material witnesses have not supported the prosecution version.

Keeping in view the facts and circumstances of the present case and in view of the above discussion, I find merit in the present petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so.

August 12, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No