

Sr. No. 207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-292 of 2016 (O&M)
Date of Decision: 21.04.2016

Jagtar Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Amit Verma, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.113 dated 30.08.2015, under Sections 323, 341, 147, 149 of Indian Penal Code (later on added Section 304-A, 304 of IPC), registered at Police Station Nangal, District Rupnagar, Punjab.

While issuing notice of motion, the following order was passed by this Court on 27.01.2016:-

"CRM No.2525 of 2016

Application is allowed as prayed for.

Documents at Annexures P-7 and P-8 are taken on record.

Main Case

Counsel would inter alia contend that the allegations as per F.I.R with regard to deceased Surrender

Singh having been mercilessly beaten up and having received serious injuries on his person and attributed to the present petitioner as also co-accused Gurnam Singh and others would be belied by the documents placed on record at Annexures P-7 and P-8 in terms of which the opinion with regard to cause of death has been stated to be Cardiomyopathy. It is further submitted that the allegations were primarily against co-accused Gurnam Singh i.e. Brother of the present petitioner and who has already been granted the benefit of regular bail by a Coordinate Bench of this Court in terms of order dated 30.11.2015 passed in CRM No. M-39810 of 2015. Further contended that co-accused Gurpreet Singh son of Gurnam Singh and against whom there were similar allegations, has been granted ad interim protection as regards arrest by this Court.

Notice of motion, returnable for 21.4.2016.

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.”

Learned State counsel upon instructions from ASI Harbans Singh has apprised the Court that the petitioner has since joined investigation. He further states that insofar the co-accused Gurnam Singh and Gurpreet Singh are concerned, challan has already been presented.

The observations contained in the order dated 27.01.2016 have gone unrebutted.

Petitioner having joined investigation, his custodial interrogation would not be warranted.

Petition is allowed. Order dated 27.01.2016, passed by this Court, is made absolute.

Disposed of.

21.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**