

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

CRM No.M-4222 of 2016 (O&M)

Date of Decision: 03.05.2016

Baldev Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Aakash Singla, Advocate for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

....

TEJINDER SINGH DHINDSA, J.

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.195 dated 23.11.2014, under Sections 302/34 IPC, registered at Police Station City Samana, District Patiala.

On 05.02.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioner seeks concession of pre-arrest bail.

Counsel would submit that it is a case of version and cross version and initially, FIR was registered under Sections 302/34 IPC and during the course of investigation, petitioner was found innocent and challan was presented on 12.02.2015 under Section 304 IPC read with Section 34 IPC and in which brother of the petitioner, namely, Sahib Singh was nominated as accused.

Counsel submits that the petitioner has now been summoned as additional accused by virtue of an application under Section 319 Cr.P.C. having been allowed by the learned Additional Sessions Judge, Patiala vide order dated 23.12.2015 (Annexure P-5).

It is the contention raised by the counsel that even if version of the complainant, namely, Swaran Kaur is read, the direct attribution of a stick blow on the head of the deceased,

namely, Mohinder Singh is to Sahib Singh, main accused. As per counsel, even as per complainant's version, the present petitioner was present at the spot and has been attributed fist and punch blows. Counsel has also referred to order dated 12.08.2015 at Annexure P-4 in terms of which main accused, Sahib Singh has been granted benefit of regular bail by the trial Court. It is submitted that the petitioner is otherwise ready and willing to join the trial proceedings.

Notice of motion, returnable for 03.05.2016.

In the meanwhile, petitioner is directed to appear before the trial on the date already fixed i.e. on 08.02.2016.

In the eventuality of his doing so, he would be entitled to ad interim protection as regards arrest subject to the satisfaction of the trial Court.”

It has gone uncontroverted that the petitioner has since joined trial proceedings and had appeared before the trial Court on 08.02.2016 and had been admitted to interim bail upon furnishing requisite bail bonds.

The petitioner having already joined trial proceedings, prayer made in the present petition is accepted.

Petition is allowed. Order dated 05.02.2016 passed by this Court is made absolute.

Disposed of.

03.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**