

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

**CRM No.M-8412 of 2016 (O&M)
Date of Decision: July 15, 2016**

Chamkaur Singh @ Kora

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vivek K. Thakur, Advocate
for the petitioner.

Mr.K.D.Sachdeva, Addl. Advocate General, Punjab
for the respondent-State.

Mr.N.K.Vadhera, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.161 dated 03.08.2015 under Sections 302, 307, 325, 341, 506, 148, 149 and 120-B IPC, registered at Police Station Sadar, Jagraon, District Ludhiana.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

From the record, I find that the FIR has been got registered by Naib Singh, uncle of the deceased Hardeep Singh and injured Gurmeet Singh. The perusal of the FIR shows that occurrence took place in the land of Chamkaur Singh @ Kora.

Learned counsel for the petitioner argued that complainant is eye witness to the occurrence and close relative of the deceased but he has nowhere stated in the FIR that present petitioner Chamkaur Singh @ Kora was present at the spot and taken any active participation in the commission of the offence. Learned counsel for the petitioner further argued that the statement of injured Gurmeet Singh was recorded by the police after a long period and then he named present petitioner and attributed injury to him. Learned counsel for the petitioner next argued that even during the enquiry, Gurmeet Singh injured made statement that Chamkaur Singh @ Kora has not taken any part in the commission of the offence, rather, he gave water to him etc. Learned counsel for the petitioner further contended that petitioner was found innocent during the investigation but the Court has summoned him under Section 193 Cr.P.C. It is also contended that petitioner is not required for any interrogation purposes and he also already joined the investigation in view of the interim bail granted to the petitioner.

Learned counsel for the petitioner next contended that the petitioner filed anticipatory bail application before Sessions Court, which was dismissed and then he filed the anticipatory bail application before this Court and during that period, within two months, the Court below declared the petitioner as Proclaimed Offender. He also argued that the petitioner has appeared before the trial Court, he is on interim bail and only to face trial. Therefore, learned counsel for the petitioner argued that anticipatory bail may be granted to the petitioner.

On the other hand, learned State counsel as well as learned counsel for the complainant argued that keeping in view the nature and gravity of the offence, anticipatory bail should not be granted to the present

petitioner.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that the present petitioner is not required for any investigation or interrogation purposes. The petitioner has been summoned under Section 193 Cr.P.C. by the trial Court and he is only to face trial. In the first version i.e. FIR, the petitioner was not shown to be present at the time of occurrence nor in that version, it has been stated that he caused any injury. The present petitioner was also found innocent during the investigation of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of grant of anticipatory bail. Therefore, the present petition is accepted and the order dated 01.04.2016 granting interim bail to the petitioner is made absolute, subject to the condition that he will not leave the country without prior permission of the Court and will not tamper with the evidence.

July 15, 2016
Vgulati

(INDERJIT SINGH)
JUDGE