

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

**Crl. Misc. No. 32442 of 2017 in/and
Crl. Misc. No. M-18385 of 2017(O&M)
Date of Decision: October 09, 2017**

Amandeep Singh @ Pehalwan

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parshotam Lal Singla, Advocate
for the petitioner (s).

Mr. V.G.Jauhar, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

CRM-32442-2017

Learned counsel for the petitioner submits that the petitioner has now surrendered before the trial Court. However, by inadvertent mistake, his name in the head note, has been mentioned as Amandeep Singh @ Pehalwan son of Yuvraj Singh while the petitioner is son of Ajit Singh.

Learned State counsel on perusal of file submits that petitioner Amandeep Singh @ Pehalwan is son of Ajit Singh and it also so find mentioned in the concluding part of the order passed by Additional Sessions Judge, Amritsar (Annexure P-2).

In view of submission of learned counsel for the parties, the application is allowed.

Amended memo of parties filed by learned counsel for the

petitioner, is taken on record.

CRM-M-18385 of 2017

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 137 dated 17.07.2011 registered for the offences punishable under Sections 307, 395, 353, 186, 224, 225, 427, 148 read with Section 149 of Indian Penal Code (for short IPC) and 25, 27 of Arms Act (vide Rapat No. 22 dated 19.07.2011 Sections 332, 333 read with Section 120-B IPC added later on) at Police Station Beas, District Amritsar (Rural).

Heard.

Learned State counsel submits that though the petitioner was found innocent and also not challaned by the police as he was not named in the FIR but he was armed with *Dattar* at the time of occurrence and was a member of the unlawful assembly which attacked the police party which has gone to arrest Yuvraj Singh and got him released. One of the member of the unlawful assembly had fired at the police party, resulting in fire arm injury to constable Pawandeep Singh. Keeping in view the role of the petitioner and the fact of the case, petitioner is not entitled to anticipatory bail as sought by him.

Learned counsel for the petitioner submits that during investigation of the police, the petitioner was found innocent. He has been summoned on the application of prosecution filed under Section 319 Cr.P.C. as an additional accused. Custodial interrogation of petitioner is no more required while trial is in progress. As such, there is no reason for the State counsel to contest the bail application of the petitioner.

The petitioner in this case has been summoned during the trial on the application of prosecution filed under Section 319 Cr.P.C. During investigation, the petitioner was found innocent by the police. He has also not been attributed any specific injury to the police party. Custodial interrogation of petitioner is no more required, as such no useful purpose would be served by keeping him in judicial custody.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 23.05.2017 is made absolute subject to the condition that petitioner shall appear before the trial Court on each and every date of hearing. In the event of his non-appearance on any date without permission, the trial Court will be competent to cancel his bail and forfeit the bail bond and surety bond and take the petitioner into custody.

October 09, 2017

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No