

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

**Crl. Misc. No.M-33641 of 2017 (O&M)
Date of Decision: October 04, 2017**

Tarlok Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Gill, Advocate
for the petitioner (s).

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

SURINDER GUPTA, J.(Oral)

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. 05 dated 11.01.2011 registered for the offences punishable under Sections 336, 341, 506 read with Section 34 of Indian Penal Code and 25, 27 of Arms Act at Police Station Cantonment, District Amritsar.

Heard.

Learned counsel for the petitioner submits that the petitioner had earlier filed application seeking anticipatory bail in this case wherein he was directed to join the investigation. However, he was arrested in some other case and the petition filed by him was dismissed as infructuous on 29.01.2014. Thereafter, the police never joined him in investigation in this case and he was declared proclaimed offender. The petitioner is an old man of the age about 60 years and has no concern with the present occurrence.

Even the complainant has stated before the police that he is not knowing the petitioner.

Learned State counsel submits that the petitioner was nominated in this case on the disclosure statement of co-accused Sukhdev Singh. He had never appeared before the investigating officer or had joined the investigation. After adopting due process of law, he was declared proclaimed offender.

The incident for which the instant FIR was registered, took place on 11.01.2011. Thereafter, the police required custody of the petitioner and he was even arrested in some other case. There is no explanation as to why the petitioner was not joined in investigation in this case after his arrest in another case. As per the allegations in the FIR, accused Rashpal Singh had fired at the spot with his pistol while his two accomplices have been attributed the role that they caught the complainant.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed. Petitioner is directed to appear before the trial Court within a week and on his appearance he shall be released on bail on his furnishing bail bond and surety bond to the satisfaction of trial Court/Duty Magistrate. In the event of his non-appearance on any date, 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 04, 2017

Jyoti-II

**(SURINDER GUPTA)
JUDGE**

***Whether speaking/reasoned:
Whether Reportable:***

***Yes/No
Yes/No***