

CRM-M-42577-2016

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

CRM-M-42577-2016

Date of Decision: 24.01.2017

Gursewak Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. J.K.Singla, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioner-Gursewak Singh has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.97, dated 29.09.2016, registered at Police Station Phul, District Bathinda, under Section 174-A of the Indian Penal Code (for brevity, 'IPC')

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

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From the record, I find that present FIR has been registered only under Section 174-A IPC.

Learned counsel for the petitioner has stated that the petitioner is already appearing in the main case in which he was declared proclaimed offender.

In pursuance of the order dated 30.11.2016, the petitioner has already joined the investigation. He is not required for custodial interrogation. He has only to face the trial. Therefore, no useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 30.11.2016, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

24.01.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No