

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

**CRM No.M-5895 of 2017 (O&M)
Date of Decision: May 01, 2017**

Abhishek alias Abhishek Sharma

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Preetinder S.Ahluwalia, Advocate,
for the petitioner.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.S.P.S.Sidhu, 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.85 dated 26.03.2016 under Sections 343, 321, 452, 506, 148, 149 IPC (Sections 420, 467, 468, 471 and 120-B IPC added later on), registered at Police Station Focal Point, District Ludhiana.

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

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

From the record, I find that the petitioner has already appeared

before the trial Court in view of order dated 22.02.2016 passed by this Court

and has been released on bail. Learned counsel for the petitioner states that earlier, he was granted interim bail by learned Addl. Sessions Judge, Ludhiana and he joined the investigation. Now, challan has already been presented against him in the Court.

Learned counsel for the complainant states that challan against the present petitioner has not been presented by the police, rather, he has been shown Proclaimed Offender in the challan.

Keeping in view the facts of the present case, I find that in the challan, the accused has been shown as Proclaimed Offender. Therefore, the petitioner is also to join investigation as to whenever called by the police and also to abide by the provisions of Section 438(2) Cr.P.C.

The order declaring the petitioner as proclaimed offender has already been set aside by this Court today, in the connected petition. No useful purpose will be served by sending the petitioner to custody.

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 22.02.2017 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 as provided under Section 438 (2) Cr.P.C.

May 01, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No