

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-7555 of 2017 (O&M)
Date of decision : April 05, 2017

Harprit Singh BahadPetitioner

versus

State of PunjabRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Vipul Jindal, Advocate, for the petitioner
Mr. Gurinderjit Singh, DAG, Punjab for the respondent

Fateh Deep Singh, J. (Oral)

CRM-8718-2017

Learned counsel for the petitioner submits that the present application for interim relief has become infructuous.

Dismissed as having become infructuous.

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The allegations against petitioner Harprit Singh Bahad in this anticipatory bail under section 438 Cr.P.C. are that initially the petitioner while posted as Deputy Commandant, BSF was involved in a case of NDPS as a consequence of which he was thrown out of service and subsequently during the course of events he filed a criminal complaint against staff of police of SSOC, Amritsar prior to the registration of the present FIR and in which it is alleged that the members of the SSOC, Amritsar branch were summoned vide orders dated 29.8.2014 and has sought to place much reliance on Annexure P/11 to show as to how he is sought to be whisked

away by the said wing of Punjab Police Amritsar and has termed the present case as a false one subsequent to their summoning.

With all fairness, learned State counsel has conceded at the bar that only semblance of evidence against the petitioner is statement of co-accused. Thus in the totality of the submissions of the two sides, the very legality, validity and sanctity of the said statement depends upon judicial determination and since it is a debatable issue and nothing is to the recovered from the petitioner, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Presently, the petitioner shall join investigation within 10 days from today. Thereafter, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. If upon joining investigations any incriminating article is recovered State can move cancellation of Bail.

The present petition stands disposed off.

April 05, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No