

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-3664-2018(O&M)
Date of Decision: 04.04.2018

Lakha Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Jagjit Singh, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.110 dated 25.9.2016 under section 379 I.P.C, registered at Police Station, Kartarpur, District Jalandhar (Rural).

On 22.2.2018, while issuing notice of motion, the following order was passed by this Court:-

“This is the second petition preferred by the petitioner under Section 438 Cr.P.C. before this Court seeking concession of anticipatory bail to the petitioner in case FIR No.110, dated 25.09.2016, under Section 379 IPC, registered at Police Station Kartarpur, District Jalandhar (Rural).

Counsel would submit that earlier petition filed was dismissed by this Court on 25.09.2017. However, co-accused, Gurmail Singh i.e. son of the petitioner and against whom there were identical allegations of having cut trees from the Panchayat land has been granted concession of pre-arrest bail vide order dated 19.01.2018 in CRM-M-40028-2017. Counsel argues that the same would be construed as a change of circumstance and seeks parity of treatment.

Notice of motion, returnable for 04.04.2018.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from HC Satpal would apprise the Court that the petitioner has since joined investigation.

It also stands uncontroverted that co-accused Gurmail Singh i.e. son of the petitioner and against whom there were identical allegations, has been granted concession of pre-arrest bail.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 22.2.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.04.2018

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No