

205 IN THE HIGH COURT OF THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-43619-2018
Date of Decision: 20.12.2018

Buta Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sumandeep Singh Walia, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARNARESH SINGH GILL, J.(ORAL)

On 04.10.2018 the following order was passed:-

“Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner who has been summoned under Section 319 Cr.P.C. as additional accused vide order dated 03.08.2018 in SC/439/2016 “State Versus Lal Singh and others” pertaining to FIR No. 24 dated 20.03.2016 (Annexure P-1) registered under Sections 307/452/448/511/294/506/4 55/148/149 IPC and under Sections 25/27-54-59 of Arms Act, 1959 at Police Station Hathur, Police District Ludhiana (Rural).

Learned counsel for the petitioner, inter alia, contends that the petitioner was not named in the FIR. No role has been attributed to him. After filing of final report under Section 173(2) Cr. P.C. Against some of the co-accused of the petitioner, police further filed two supplementary final reports. During investigation, complicity of the petitioner was not found by the investigating agency. No recovery has to be effected from the petitioner. Therefore, the petitioner is not required for any custodial interrogation.

Notice of motion for 20.12.2018.

In the meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Manjit Singh, states that the petitioner has joined the investigation and is no more required for custodial interrogation.

In this view of the matter the order dated 04.10.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(HARNARESH SINGH GILL)
JUDGE

20.12.2018
sunita

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