

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6339-2019

Date of decision-13.05.2019

Jaswant Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chander Kant Mahajan, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.60 dated 22.06.2017 under Sections 326, 324, 323, 379, 427 and 148 read with Section 149 of Indian Penal Code registered at Police Station Ghuman, Police District Batala, District Gurdaspur. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 09.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned State counsel, on instructions from ASI Mohan Singh has apprised the Court that the petitioner has not joined the investigation.

On 11.2.2019, the following order was passed:

“Learned counsel for the petitioner submits that the injury attributed to the petitioner is on non-vital part and MLR was conducted after a delay of six hours wherein fresh bleeding has been shown to be found present. Bail to the petitioner has been declined only on the ground that grievous injury falling under Section 326 IPC has been attributed to the accused as the petition was filed by all the accused together before the lower Court. Learned counsel also submits that remaining five accused have been released on anticipatory bail and interim order has been made absolute.

Notice of motion.

Notice reg: stay as well.

On asking of the Court, Mr.Amit Mehta, Sr.D.A.G. Punjab, who is present in the Court, accepts notice on behalf of respondent-State.

Adjourned to 21.02.2019.

Learned counsel for the petitioner is directed to supply two copies of the petition to learned counsel for the respondent-State during course of the day.”

Adjourned to 13.5.2019.

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

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Iqbal Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Iqbal Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.04.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

13.05.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No