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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6440-2019 (O&M)
Date of decision-28.05.2019

Gurpreet Kumar @ Gopi

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rajiv Joshi, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
ASI Jatinder Singh.

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.182 dated 26.10.2014 under Sections 323, 324, 506 and 148 read with Section 149 IPC (Sections 452, 307 and 427 IPC added later on) registered at Police Station Laddowal, District Ludhiana. 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 05.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-11667-2019

Application is allowed as prayed for.

Annexures P-10 to P-12 are taken on record.

Main case

Learned counsel for the petitioner contends that the only attribution to the petitioner Gurpreet Kumar @ Gopi is a blow on the right eye of victim Kunal and the said injury is simple in nature. According to him, the FIR was initially recorded for offences punishable under Sections 323, 324, 506 and 148 read with Section 149 of Indian Penal Code and after two days, the offences punishable under Sections 452, 307 and 427 IPC were added. It is further pointed out that the co-accused of the petitioner have already been extended the concession of interim bail by Sessions Court.

Notice of motion for 28.05.2019.

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 Jatinder Singh does not dispute this fact that the petitioner has joined the investigation.

Learned counsel on instructions from ASI Jatinder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Learned counsel for the petitioner further refers to Annexures P-10 and P-11 in respect of co-accused whereby they have been granted concession of interim bail by the trial Court. This fact is not disputed by learned State counsel.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.04.2019 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

28.05.2019
vanita

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