

206.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12483-2018

Date of decision:14.05.2019.

GURBHEJ SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Brar, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Ms. Jaspreet Kaur, Advocate, for
Mr. Nakul Sharma, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.182 dated 02.09.2017 registered under Section 376 of IPC at Police Station Ghal Khurd, District Ferozepur.

On 26.02.2019, this Court had passed the following order:-

“Counsel for the petitioner states that the petitioner is ready to join the investigation, as earlier also, in similar FIR, he has been acquitted.

Adjourned to 14.05.2019.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency

and shall abide by the terms and conditions laid down under Section 438(2) CrPC.”

Learned counsel for the petitioner has produced copy of order dated 24.04.2019 passed by learned Judicial Magistrate Ist Class, Ferozepur whereby by making reference to the order dated 26.02.2019 passed by this Court, reproduced above, the learned Magistrate has accepted the bail bond so furnished by the petitioner. The order dated 24.04.2019 passed by the learned Magistrate, reads as under:-

“Today on the application moved by counsel for the accused for furnishing the bail bonds, as per order of the Hon'ble High Court. Ahlmad is directed to confirm the order. Ahlmad has confirmed the order through CIS. In compliance with the order dated 26.02.2019, passed by the Hon'ble High Court in CRM-M No.12483-2018, the accused has been granted interim bail. Accordingly, in pursuance of the said order, accused is directed to furnish bail bond in the sum of Rs.55,000/- with one surety of the like amount. The bail bonds have been furnished; which have been accepted and attested. To come up on 16.05.2019 for committal proceedings.”

This Court finds that the order dated 26.02.2019 was passed by this Court in the anticipatory bail application, whereas the learned Magistrate while making reference to the order dated 26.02.2019 has accepted the bail bond furnished by the petitioner. The learned Magistrate, while passing the order dated 24.04.2019, has not interpreted the order dated 26.02.2019 passed by this Court, correctly.

Learned State counsel, on instructions from SI Pritam Singh, states that petitioner has joined the investigation and his custodial

Since the petitioner has joined the investigation and his custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 26.02.2019 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

Copy of order dated 24.04.2019 so produced by the counsel for the petitioner, shall form part of the record.

Copy of this order be sent to the learned Judicial Magistrate Ist Class, Ferozepur, for her perusal.

(HARI PAL VERMA)
JUDGE

14.05.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No