

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

223

CRM-M-21484-2018

DATE OF DECISION: 16.10.2019

BHUPINDER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB & ANR

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

Mr. Brijesh Nandan, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 03.05.2018 (Annexure P-3) whereby respondent No.2 was granted anticipatory bail.

Learned counsel for the petitioner contends that the FIR No.6 dated 06.01.2018 was registered under Sections 302 & 120-B IPC and Sections 25 & 27 of the Arms Act at Police Station City Tarn Taran. The Investigating Officer had later on deleted Section 302 IPC from the FIR and instead added Section 304 IPC. Respondent No.2 was granted anticipatory bail in the FIR for offences which included Section 304 IPC. The petitioner had preferred petition bearing CRM-M-21349-2018 for conducting fair investigation in the matter. This Court had directed the Additional Director General of Police (Crime) to enquire into the matter and file a status report. In the status report, it was stated that the investigation was not conducted by the then SHO in a fair manner. An

He was also dismissed from service. An SIT was also constituted to enquire into the matter and offence under Section 302 IPC had been added.

Learned State counsel has filed the status report which indicates that investigation has been completed and it has been recommended to file the final report under Section 173 Cr.P.C. for offence under Sections 302/120-B/201 IPC and Sections 25/27/54/59 of the Arms Act.

In view of the addition of Section 302 IPC in the FIR and deletion of Section 304 IPC, anticipatory bail granted to respondent No.2 shall no longer be in operation. The police shall be at liberty to arrest respondent No.2. It shall also be open to respondent No.2 to seek his remedy in accordance with law.

In view of the changed circumstances, no further orders are required to be passed in this case which stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

16.10.2019.
SwarnjitS

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