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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14657-2019
Date of decision-07.05.2019

Phulla Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhupinder Gupta, Advocate for
Mr. Ajit Singh, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab assisted by
ASI Jaswant 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 General Diary No.021 dated 16.09.2018 registered under Sections 323, 341 and 506 read with Section 34 of Indian Penal Code (for short IPC) (Sections 308 and 355 IPC added later on) in case FIR No.257 dated 16.09.2018 under Sections 323, 341 and 506 read with Section 34 IPC registered at Police Station Patran, District Patiala. 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 01.04.2019, 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 counsel for the petitioner contends that Nishan Singh has already got registered an FIR No.257 dated 16.09.2018 under Sections 323, 341, 506 and 34 IPC against Jiwan Singh and others. In the said occurrence, the petitioner also suffered injuries.

According to him, the cross case stands registered on the statement of Jiwan Singh, wherein the petitioner is arrayed as an accused. Reliance is placed upon order dated 17.12.2018, whereby the co-accused in cross case have been extended the benefit of anticipatory bail.

Notice of motion for 07.05.2019.

In the meanwhile, 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 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 Jaswant Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Jaswant 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 01.04.2019 is made absolute. However, it is made clear that this order shall remain operative only till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

07.05.2019
vanita

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