

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

**CRM-M No. 29793 of 2018
Date of Decision:-04.09.2019**

Gurmukh Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. C.S. Bakshi, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a Criminal Complaint case No.RBT No.23 dated 10.5.2017 (CIS No.4/2015) titled as “Balwinder Singh vs. Lal Singh and others” pending in the Court of Judicial Magistrate 1st Class, Zira, District Ferozepur, under Sections 302, 506, 120-B, 34 IPC. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 18.7.2018 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the

petitioner. The said order reads as under:-

“It is a case of the prosecution that Sukhdev Singh was run over by a scorpio vehicle. The FIR was registered on the basis of suspicion against the petitioner and some other persons. However, after investigation, the police submitted the untraced report under Section 173 Cr.P.C but complainant Balwinder Singh filed a criminal complaint under Sections 302, 506, 120-B, 34 IPC on the allegations that all the petitioners in connivance with each other have committed the murder by running over a vehicle. They have now been summoned to face trial vide order dated 07.06.2018, passed by the learned Addl. Sessions Judge, Ferozepur. However, a complaint was filed by complainant on 10.05.2017 wherein it is asserted that non-applicant Saraj Singh had driven the vehicle.

Learned counsel for the petitioner has submitted that two coaccused have already been granted interim bail vide orders dated 05.07.2018 and 11.07.2018 passed in Criminal Misc.No.M-27475 of 2018 and Criminal Misc.No.28486 of 2018 respectively.

Notice of motion for 24.09.2018.

Meanwhile, the petitioner is directed to surrender before the learned trial Court within seven days and on doing so, he shall be released on interim bail by that Court to its satisfaction. To be heard alongwith Criminal Misc.No.M-27475 of 2018.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the learned trial Court on 31.7.2018 and has furnished requisite bonds to the satisfaction of the trial Court. Copy of the order dated 31.7.2018 passed by the trial Court has been placed on record.

Learned State counsel who is assisted by HC Saroop Singh does not dispute this fact that the petitioner submitted himself before the learned trial Court on 31.7.2018 and has furnished requisite bonds. Learned counsel on instructions from HC Saroop Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the petitioner is allowed to remain on bail on the same bail bonds and surety, furnished by him before the trial Court on 31.7.2018.

The petition stands allowed.

September 04, 2019

Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No