

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

207

CRM-M-16636-2019 (O & M)
Date of Decision:29.07.2019

Gora Singh @ Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None

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 case FIR No.126 dated 01.12.2018 under Section 304 IPC, registered at Police Station Kulgarhi, District Ferozepur. The petitioner apprehended his arrest at the hands of Police.

This Court while issuing notice of motion to the respondent-State on 11.04.2019 had extended the interim protection to the petitioner. The said order reads as under:-

“Prayer in this petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail to the petitioner, in case, FIR No.0126, dated 01.12.2018, registered under Section 304 IPC at Police Station Kulgarhi, District Ferozepur (P-1).

According to the prosecution, police received a secret information that the petitioner sold intoxicant injection to deceased-Sucha Singh, who after injecting the same due to its heavy dose, died.

Learned counsel contends that in FSL report, no

poison was detected in the viscera of the deceased. There is no evidence available with the police that the petitioner is indulged in the illicit trade of prohibited narcotic substances. The petitioner has falsely been implicated on the basis of alleged secret information, which is a very weak type of evidence. He is ready to join the investigation.

Notice of motion for 29.07.2019.

In the meantime, the 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. ”

Upon a call given by Punjab and Haryana High Court Bar Association, the lawyers are abstaining from appearance. However, HC Dilbag Singh, who is present in Court, submits that the petitioner has joined the investigation and 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 11.04.2019 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.

29.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No