

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

CRM-M-49990 of 2018(O&M)

Date of Decision:21.01.2019

Gurpyar Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. V.S. Mahal, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Bikramjeet Singh Jatana, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.129 dated 11.10.2018 registered under Sections 306/34 of the Indian Penal Code at Police Station Jhunir, District Mansa.

On 15.11.2018, while issuing notice of motion the following order was passed by this Court:

“ It is contended by the learned counsel for the petitioner that coaccused, namely, Amrik Singh has filed CRM-M-48967 of 2018 and he was granted benefit of interim bail by this Court and allegations against the petitioner are also similar.

Notice of motion for 21.01.2019.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his

furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

To be heard with CRM-M-48967 of 2018.”

It is contended by learned counsel for the petitioner that in terms of the order dated 15.11.2018, the petitioner has joined investigation and his custodial interrogation is no longer required.

On instructions from ASI Ganga Ram, the above factual position is duly acknowledged by learned State counsel and stated that the custodial interrogation of the petitioner is no longer required.

Although, learned counsel for the complainant opposed the prayer of the petitioner, but since he has already joined the investigation and as per the stand taken by learned State counsel, his custodial interrogation is not required, therefore, there is no justification to deny the concession of pre-arrest bail to the petitioner.

In view of the above, the order dated 15.11.2018 is made absolute subject to the provisions of Section 438(2) Cr. P.C.

It is made clear that the petitioner shall fully co-operate with the investigation as and when called in future, if the occasion so arises.

Petition stands disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

January 21, 2019
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no