

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51375-2018

Date of decision: 23.01.2019

Abdul Gani @ Gonu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Satish Chaudhary, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 2nd petition for grant of anticipatory bail in FIR No.64 dated 27.02.2018 under Sections 328, 451, 149 IPC, registered at Police Station Phillaur, District Jalandhar.

While granting interim anticipatory bail to the petitioner, following order was passed on 22.11.2018: -

“.....The first petition bearing CRM-M-16213-2018 was dismissed on 27.04.2018.

Learned counsel for the petitioner submits that while granting interim anticipatory bail to co-accused Roshandin, the following order has been passed on 21.09.2018 in CRM-M-40160-2018:

“This is the second petition filed for anticipatory bail. The first petition was dismissed on 27.04.2018 . Learned counsel for the petitioner submits that during the investigation three of the co-accused including Mohd.Sharif @ Shaffi have been

arrested and nothing has come on record that any overt act is attributed to the petitioner from their disclosure statement. Therefore, the petitioner has filed the second petition for anticipatory bail on changed circumstances. Learned State counsel on instructions from HC Jai Kumar submits that as per the allegations in the FIR, it is found that in fact, the petitioner was found at the spot, however, no overt act is attributed to the petitioner of administering poison to the complainant. List again on 23.01.2019. In the meantime, petitioner is directed to appear before the Investigating Officer on 28.09.2018 at 10.00 a.m. or any other date or time as fixed by him to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions: - 1. He shall make himself available for interrogation by a police officer as and when required; 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. He shall not leave India without previous permission of the Court.”

Learned counsel for the petitioner further submits that petitioner is filing the second petition on similar grounds as against the petitioner, no overt act is attributed for administering the poison and nothing has come against the petitioner in the disclosure statements of the co-accused after their arrest.....”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Ravinder Singh, has not disputed the factual position and states that the petitioner is no more

required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 22.11.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

23.01.2019

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**[ARVIND SINGH SANGWAN]
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No