

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208-1

CRM-M-53376 of 2018

Date of Decision: 02.12.2019

Bakshish Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr.A.S.Brar, 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 case FIR No.0045 dated 16.07.2018 under Sections 307, 341, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Fatehgarh Panjtoor, District Moga. 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 03.12.2018 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that previously FIR No.109 dated 04.06.2017 under Sections 452, 324, 379, 148 and 427 read with Section 149 of IPC was registered at the Police Station Dharamkot, District Moga at the instance of son of the petitioner, namely, Amandeep Singh, who is co-accused in the present case i.e. FIR No.0045 dated 16.07.2018 under Sections 307, 341, 336 and 148 read with Section 149 IPC and Sections 25, 27, 54 and 59 of Arms Act registered at Police

Station Fatehgarh Panjtoor, District Moga. This FIR has been registered upon a complaint given by Harpreet Singh. The son of the petitioner had filed a petition against Harpreet Singh and others i.e. Annexure P-2 and the parties upon compromise have also filed a petition i.e. CRM-M-32568-2018 and CRM-M-32674-2018 for quashing of both the FIRs. Learned counsel further contends that in the present case, except for a lalkara there is no other attribution to the petitioner.

Notice of motion for 31.01.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 SI Mukhinder Singh does not dispute this fact that the petitioner has joined the investigation. He further submits that the alleged gun shot was fired by accused Amandeep Singh who is yet to be arrested. He, on instructions from SI Mukhinder 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 03.12.2018 is made absolute.

The petition stands allowed.

02.12.2019
Anjal

[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No