

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

**CRM-M-33777-2019
Date of decision: 16.09.2019**

Sukhjiwan Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. S. Bairagi, Advocate
for petitioner No. 1.

Mr. Jagmohan Ghuman, DAG, Punjab.

Mr. A. S. Barnala, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail in FIR No.31 dated 23.06.2019 registered under Sections 452, 323, 506, 34 IPC (Sections 307/325 IPC added later) at Police Station Tallewal, District Barnala.

Vide order dated 21.08.2019, the present petition was dismissed as withdrawn qua petitioner No. 2 Lakhvir Singh.

However, petitioner No. 1 Sukhjiwan Singh was granted interim bail, vide order dated 21.08.2019. The operative part of the order is reproduced below:

“Counsel for the petitioners at the very outset submits that he may be permitted to withdraw the present petition qua petitioner No.2 – Lakhvir Singh and submits that petitioner No.2 be permitted to surrender before the trial Court and the trial Court be directed to decide his regular bail application expeditiously.

Dismissed as withdrawn qua petitioner No.2.

Counsel for petitioner No.1 has submitted that initially the FIR was registered under Section 452, 323, 506/34 IPC and the petitioner was granted anticipatory bail as per the order dated 01.07.2019 passed by the Additional Sessions Judge and the same was later on confirmed. It is further submitted that subsequently on the basis of the opinion of the Doctor regarding injury No.2 possibility of dangerous to life cannot be ruled out, Section 307 IPC has now been added.

Counsel for petitioner No.1 has relied upon the judgment "Pradeep Ram vs The State of Jharkhan and another", passed in Criminal Appeal No.816-817 of 2019, decided on 01.07.2019, wherein the Hon'ble Supreme Court has held that if a person is on bail and subsequently, non-bailable offence is added, he cannot be arrested without obtaining the orders from the Illaqa Magistrate.

Notice of motion.

Mr. Jagmohan Ghumman, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent No.1 while Mr. A.S .Barnala, Advocate has appeared on behalf of the complainant. Counsel for the petitioner is directed to supply a copy of paperbook to counsel for the State during course of the day.

List again on 16.09.2019."

Learned counsel for the petitioners submits that petitioner No. 1, in pursuance to the order dated 21.08.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Kamaljit Singh, has not disputed the factual position and submits that petitioner No. 1 has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to petitioner No. 1, vide order dated 21.08.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

16.09.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>