

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41756 of 2019

Date of Decision: 25.11.2019

Tarun Chopra

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ankur Mittal, Advocate,
for the petitioner.
Mr. B.S. Sewak, Addl. A.G. Punjab.
Mr. Dilraj Singh, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

A detailed order dismissing a connected petition (CRM-M-41912 of 2019), was passed at the time when the petitioner in this petition was admitted to interim bail by this court on October 29, 2019.

The co-accused of the petitioner who had filed the aforesaid CRM-M-41912 of 2019, were seeking anticipatory bail at the initial stage, with them never having been arrested, and with this court therefore having opined that with 18 injuries seen to be inflicted on three persons, with no injury sustained by the petitioners in that petition, in the said occurrence at least, there would be no ground to grant them the concession of anticipatory bail, especially as learned counsel for the State and counsel for the complainant had also submitted that the identity of the other co-accused was still to be established.

However, as regards the present petitioner, i.e. Tarun Chopra, it was recorded by this court that he had already been in custody for the last two and half months, after which he was admitted to bail, with him now seeking anticipatory bail because an offence punishable under Section 307 of the IPC had been

re-inserted in the FIR, after it had been initially deleted (and therefore the petitioner having been released on bail by the learned Additional Sessions Judge).

Learned State counsel submits that as a matter of fact the petitioners' custodial interrogation at this stage is not required, the report under Section 173 of the Cr.P.C. already having been submitted to the competent court on October 29, 2019.

Learned counsel for the complainant however submits that enlarging the petitioner on bail can endanger the complainant, seeing also the gravity of the crime.

Without making any comment on that contention, since no such incident has been reported ever since the petitioner was ordered to be released on bail by the learned Additional Sessions Judge on August 21, 2019, though of course the contention of learned counsel for the complainant is not incorrect that the offence alleged to have been committed is a grave offence, in view of what has been already observed the order dated 29.10.2019, I would see no reason to not make the order dated 29.10.2019 absolute, subject of course to the petitioner continuing to remain on good behaviour and complying with all other conditions of Section 438 of the Cr.P.C.

Ordered accordingly.

It is made clear that admission of the petitioner to bail shall not be taken by the trial court as an observation on either his guilt or his innocence, which conclusion would be arrived at by the trial court wholly on the basis of evidence led before it.

November 25, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.