

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

**CRM-M No.64630 of 2018 (O&M)
Date of Decision: 25.03.2019**

Mahant Kashmir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kanwal Goyal, Advocate for the petitioner.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

Mr. Rajeev Kawatra, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

CRM No.6230 of 2019

Application is for placing on record the copy of judgment and decree dated 16.10.2008, passed by learned Civil Judge (Jr. Divn.), Malout as well as judgment and decree dated 03.01.2011, passed by learned District Judge, Sri Muktsar Sahib as Annexure P-6 and P-7, respectively.

For the reasons stated in the application, the same is allowed subject to all just exceptions. Accompanied documents are taken on record as Annexure P-6 and P-7.

Registry to tag the same at the appropriate place.

MAIN CASE

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.66 dated 09.11.2018, under Sections 447, 506, 511, 148, 149 of the Indian Penal Code, 1860 (Section 379, IPC added later on) and Sections 25/27 of the Arms Act, 1959, registered at Police Station Amir Khas, District Fazilka.

This Court, on 11.01.2019, passed the following order:-

“ Undisputedly, the civil litigation is pending between the parties and a reference has been made to the order dated 23.07.2013 (P-2) passed by this Court in RSA-2281-2011.

Let the copy of the judgment and decree passed by the Courts below be placed on record.

Adjourned to 20.02.2019 for further consideration.

In the meanwhile, petitioner is directed to join 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, subject to the conditions, as envisaged in Section 438(2) Cr.P.C. ”

It is contended by learned Counsel for the petitioner that in pursuance of the above order, petitioner has joined the investigation and his custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bhadan Singh.

Although, learned Counsel for the complainant has vehemently opposed for grant of anticipatory bail to the petitioner, but in view of the fact that he has joined the investigation and his custodial interrogation is not

required by the police, therefore, there is no justification to deny him the concession of anticipatory bail.

In view of above, interim order dated 11.01.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

March 25, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No