

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-64841-2018

Date of decision: 06.03.2019

Kanwaljit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Saini, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.40 dated 11.03.2018 under Sections 307/34 IPC, Sections 25/27 of Arms Act and Section 302 IPC (added later on), registered at Police Station City Sri Muktsar Sahib.

While granting interim bail to the petitioner, following order was passed by this Court on 11.01.2019:-

“Learned counsel for the petitioner submits that the petitioner was not named in the FIR and his name has come in the disclosure of co-accused Amritpal Singh @ Baba, who was arrested in FIR No.59 dated 24.07.2018, under Sections 392/382/384/473/120B/506/148/149 of the IPC, Sections 18/22/61/85 of the NDPS Act and Section 25/54/59 of the Arms

Act, registered at PS-Sadar, Rajpura.

Learned counsel for the petitioner further submits that even as per the version given in the FIR, complainant Gurcharan Singh, son of deceased Gurdev Singh, has stated that on 11.03.2018 at about 08:15 AM, when his father has gone to the hospital to see an ailing person, one unidentified person started grappling with him and later on, two more unidentified young persons, one with muffled face, started beating his father and gave fist blows on the left side of the chest of his father and he fell down on the ground. Later on, all the three persons fled away from the spot in their Alto car along with the pistol. Learned counsel for the petitioner further submits that one of the co-accused, namely Amritpal Singh @ Baba, was arrested and made disclosure.

Learned counsel for the petitioner further submits that as per the disclosure, one Amna Jaito fired upon deceased Gurdev Singh as he was resisting in handing over the car.

Learned counsel for the petitioner further submits that as per the aforesaid disclosure, the petitioner was sitting in a car driven by aforesaid Amritapl Singh @ Baba and the petitioner has been nominated by this co-accused.

Learned State counsel, on instructions from ASI Jagdish Singh, has not disputed the fact that petitioner has been nominated on the disclosure of his brother-in-law co-accused Amritapal Singh @ Baba, who is involved in one more case. It is further submitted that the person named as Amna Jaito is also involved in

six more case and he is a gangster. However, learned State counsel, on instructions, submits that the petitioner is involved in one more case and no other case except the present FIR is pending against him.”

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 Jagdish 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 11.01.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

06.03.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No