

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

203-A

CRM-M-10878-2020

Date of decision: 05.11.2020

Sadhu Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Abhishek Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for the respondent-State.

Mr. Sherry K. Singla, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.79 dated 06.04.2019 registered under Sections 307 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 25 and 27 of the Arms Act, 1959 at Police Station Talwandi Sabo, District Bathinda.

While issuing notice of motion on 16.03.2020, Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

"Counsel for the petitioner has submitted that the shot was allegedly fired by Kaka Singh which hit Sukhwinder Singh in the eye. The lalkara was raised by other co-accused namely Gurjant Singh. The only allegation against the petitioner is that he was driving the motorcycle on which Kaka Singh was a pillion rider.

Notice of motion for 28.04.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C."

The petition has been opposed by the learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has while reiterating the submissions made on 16.03.2020 submitted that in compliance with order dated 16.03.2020, the petitioner has joined the investigation.

Learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Krishan Singh, acknowledged that in compliance with order dated 16.03.2020 passed by Coordinate Bench of this Court, the petitioner

has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 16.03.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

05.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No