

**PUNJAB AND HARYANA HIGH COURT
CHANDIGARH**

210

CRM-M-13188-2019

Date of decision : 20.01.2020

Sanjeev Kumar @ Sandeep Kumar

Petitioner.....

V/s

State of Punjab and another

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Damnjit Singh Sandhu, Advocate for the petitioner.

Mr. Arjun Singh Yadav, Asstt. A.G., Haryana.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.307 dated 17.05.2018 registered under Sections 323, 341, 506, 427, 436, 148 and 149 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Focal Point, District Ludhiana.

Vide order dated 25.03.2019 passed by the Coordinate Bench of this Court, while issuing notice of motion, the petitioner was granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared and filed report by way of affidavit of ASI Bhupinder Singh, Police Station Focal Point, Ludhiana in compliance of order dated 03.10.2019. In the report it has been mentioned that the complainant has confirmed execution of the affidavit that under some wrong impression, the complainant had named the petitioner whereas the petitioner was not involved in the occurrence.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The complainant has also given the affidavit that the petitioner was not involved in the crime. As per the direction given, the petitioner has joined the investigation and his custodial interrogation is not required.

Learned State Counsel, has acknowledged that in compliance with order dated 25.03.2019, the petitioner joined investigation and has also conceded that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 25.03.2019 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.

20.01.2020
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No