

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

Criminal Misc.No.13915 of 2020

Date of Decision: September 18, 2020

Major Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.P.S.Sidhu, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.15 dated 26.03.2019, under Sections 302, 34 (120-B, 506, 148 and 149 IPC added later on) and Sections 25 and 27 Arms Act, registered at Police Station, Verowal, District Tarn Taran. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner is seeking grant of anticipatory bail in F.I.R No. 15 Dated 26.03.2019 under Sections 302/34 IPC and Section 25/27 of Arms Act, registered at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner has referred to the statements dated 26.03.2019 made by eye witnesses Annexure P-4 and P-5 wherein name of two persons had been stated who

had fired gun shots at Jagdev Singh. But in the supplementary statement dated 29.03.2019 (P-3) by Rajinder Singh, he has given name of five persons i.e Lovepreet Singh, Gursewak Singh, Sukhbir Singh, Ravneet Kuar and Charanjit Kaur.

Learned counsel for the petitioner submitted that the interim bail granted to Ravneet Kaur and Charanjit Kaur had already been made absolute by this Court, passed in CRM-M-41643-2019 and 48034-2019, decided on 19.02.2020.

Learned counsel further submitted that the accused -Gursewak Singh had already been granted bail by this Court in CRM-M9979-2020, on 06.03.2020.

Notice of motion for 16.07.2020.

On asking of the Court, Ms. Samina Dhir, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the above orders.

To be heard along with CRM-M-9979-2020.

Meanwhile, the petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the following conditions, as envisaged under Section 438 (2) Cr.P.C:-

(a) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(b) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(c) that the petitioner shall not leave India without the previous permission of the Court;

(d) such other condition as may be imposed under sub section (3), as if the bail were granted under that section.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the

police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Avtar Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.06.2020 is made absolute.

Petition stands disposed off.

September 18, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No