

In virtual Court

CRM-M-14079-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14079-2020 (O&M)
Date of decision: 11.08.2020

Kulwant Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.50 dated 13.05.2020 under Sections 457, 380, 473, 411 IPC, registered at Police Station Nihal Singh Wala, District Moga.

While granting interim bail to the petitioner, following order was passed by this Court on 09.06.2020: -

“At the outset, learned State counsel points out that Section 411 IPC has also been added on 20.05.2020.

Counsel for the petitioner submits even though order was passed by the Sessions Court on 29.05.2020 but this fact was not brought to the notice of the Sessions Court, as a result of which he could not mention the said provision in the instant petition.

He prays that he be permitted to amend the title as well as the prayer clause and incorporate Section 411 IPC. His oral prayer is acceded to. Registry is directed to carry out the necessary amendment.

Counsel for the petitioner has argued that the allegation is that three persons with muffled faces had entered the house of the sister of the complainant at about 1:30 a.m. On hearing some noise, the residents woke up and raised alarm. Two persons escaped on motorcycle and third person namely, Lovepreet @ Love was caught at the spot. He named the petitioner and another person. Counsel has argued that the petitioner has been named by Lovepreet @ Love because they belongs to the same village and there is some enmity between the families. Insofar as the motorcycle is concerned, the counsel submits that the same was recovered from one Amrinder Singh. He further submits that there is no other case pending against the petitioner.

State counsel upon instructions of ASI Mangal Singh has opposed the petition, though, he is not able to dispute the fact that there is no other case pending against the petitioner...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from ASI Harbinder Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

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In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 09.06.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

11.08.2020
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No