

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

204-A

CRM-M-18890-2020

Date of decision : 14.08.2020

Gurdev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rai Singh Chauhan, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
for the respondent-State.

None 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 petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.57 dated 03.05.2020 registered under Sections 307, 148, 149 and 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Mamdot, District Ferozepur.

While issuing notice of motion on 16.07.2020, the petitioner had been granted interim anticipatory bail by this Court with direction to join the investigation.

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

I have heard learned Counsel for the petitioner and 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 present FIR is a counter blast of FIR No.44 dated 12.05.2019 already registered against the complainant. Even as per the FIR, no injury has been

attributed to the petitioner and the single injury on the person of injured-Akashdeep Singh is attributed to co-accused Subhash Singh. Co-accused Rashpal Kaur has been granted regular bail by learned Sessions Judge Ferozepur vide order dated 04.06.2020. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State Counsel, on instructions from SI Sukhpal Singh, has acknowledged that in compliance with order dated 16.07.2020 passed by the this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in 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 16.07.2020 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.

14.08.2020

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(ARUN KUMAR TYAGI)
JUDGE

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