

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

CRM-M-31021 of 2020

DATE OF DECISION :- November 23, 2020

Sucha Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

Briefly stated the facts of the case as per prosecution story are that Sucha Singh and Ajaib Singh were booked for offences under Sections 353, 186, 324, 326, 332, 333 IPC registered with Police station Rahon. They were arrested in the said case and then released on regular bail by Ilaka Magistrate on 30.3.2020. Subsequently, offences under Section 326, 333 IPC had been added.

Apprehending their arrest for the newly added offences, both the accused had approached the Court of Sessions at Shaheed Bhagat Singh Nagar seeking pre-arrest bail. Such concession was granted to Ajaib Singh by Additional Sessions Judge, Shaheed Bhagat Singh Nagar vide order dated 14.9.2020 (Annexure P3) whereas it was declined to Sucha Singh by that very Court vide order of even date.

Feeling aggrieved, Sucha Singh has now knocked at the door of

this Court by way of filing the instant petition under Section 438 Cr.P.C. seeking grant of anticipatory bail. Notice of the petition has been given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

I find that the petition calls for acceptance. The petitioner along with his co-accused had been arrested in this case and released on regular bail. Subsequently, offences under Sections 326, 333 IPC have been added. It is not the case of the prosecution that petitioner has misused the concession of regular bail in any way.

Learned State counsel on instructions from ASI Ram Pal has informed that recovery has already been effected from the petitioner after his formal arrest in this case. That means custodial interrogation of the petitioner is not required.

Accordingly, the petition is accepted and it is ordered that in the event of his arrest in this case for newly added offences under Sections 326, 333 IPC, the petitioner shall be released on bail subject to furnishing surety bonds to the satisfaction of Investigating Officer/Arresting Officer on the following conditions :-

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.
- (iv) He shall join investigation as and when called by the Investigating Officer and shall surrender his Passport before the Investigating Officer and if he is not having Passport then shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

November 23, 2020
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No