

216-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47565-2019
Date of decision-29.01.2020

Nishan Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Liaqat Ali, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. K.S.Brar, Advocate for the complainant.

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.0139 dated 11.07.2019 under Sections 306, 506 and 148 read with Section 149 of Indian Penal Code, 1860 registered at Police Station Sultanpur Lodhi, District Kapurthala. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.11.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner relies upon the order dated 12.09.2019 (Annexure P-3) passed by this Court in CRM-M-38859-2019.

Notice of motion for 29.01.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called

for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.
To be heard along with CRM-M-38859-2019.”

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.

On the other hand learned counsel appearing on behalf of the complainant opposed the prayer.

Learned State counsel who is assisted by ASI Jaswinder Pal Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Jaswinder Pal 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 07.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.01.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

No
No