

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

CRM-M-49902-2019

Date of decision:23.1.2020

NAVJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.158 dated 2.6.2009 under Sections 307, 326, 324, 148, 149 IPC, Police Station City Kapurthala, District Kapurthala.
2. The FIR came to be lodged at the instance of Madan Chopra wherein it has been alleged that on 1.6.2009 he was attacked by Kuldeep Singh @ Benja with '*Datar*', Kuldeep Singh @ Novi with '*Khanda*', Dheera with '*Toka Desi*', Ladi with '*Datar*', Gurpreet Singh @ Gopi with '*Gandasi*', Pardeep Singh @ Lovi with pistol, Sabi with '*Khanda*', Sharanjeet Singh @ Sunny with '*Datar*', Rajinder Singh with baseball bat, Lakhwinder Singh @ Lucky with '*Datar*', Shera & Aditya Sharma with '*Datar*', Satnam Singh '*Datar*' along with 10-12 other persons.
3. Learned counsel for the petitioner has submitted that although he is

named in the FIR wherein his name is mentioned as Kuldeep @ Navi s/o Sukhwinder Singh, whereas the name of the petitioner is Navjit @ Navi s/o Sukhwinder Singh. Learned counsel has submitted that, in any case, since some other co-accused against whom charge-sheet was presented have already been tried and allegations were not found to be substantiated, therefore, it is borne out that the entire allegations set forth in the FIR have been cooked up falsely.

4. Learned counsel has further submitted that in the present case initially when '*Challan*' was presented, the petitioner was kept in column No.2 and that till date he has never been summoned by the trial Court with the aid of Section 193 Cr.P.C. or Section 319 Cr.P.C. during the course of trial of co-accused, therefore, in these circumstances, there is no occasion for arresting the petitioner at this stage.
5. Opposing the petition, learned State counsel has submitted that when the '*Challan*' was initially presented against co-accused Gurmit, Ranjit, Tirlok, Sanjeev and Sharanjeet on 20.9.2009, another 11 accused including the petitioner had been kept in column No.2. It has further been informed that subsequently i.e. on 7.7.2010 supplementary '*Challan*' was presented against Ranjit and Gurmit and thereafter i.e. after about another 8 months another supplementary '*Challan*' came to be filed against Kuldeep Benja and Swarn @ Lucky on 31.3.2010. Learned State counsel has submitted that during all this period, the petitioner was on the run and could not be arrested and that in view of such conduct when he had been evading his arrest he does not deserve the concession of anticipatory bail

at this belated stage.

6. I have considered rival submissions addressed before this Court. Without expressing anything on merits of the case and given the fact that the petitioner had been kept in column No.2 when '*Challan*' was initially filed against other co-accused and also that the accused who have been tried have since been acquitted and also that the petitioner, pursuant to interim directions dated 2.12.2019, has already joined investigation, this Court is of the opinion that custodial interrogation of petitioner is not warranted.
7. Accordingly the petition is accepted and the interim directions issued vide order dated 2.12.2019 are hereby made absolute subject to the condition that the petitioner shall appear before the Trial Court regularly and abide by any such condition as may be imposed by the Trial Court for ensuring his appearance regularly in the Trial Court.

(GURVINDER SINGH GILL)
JUDGE

23.1.2020
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No