

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.52799 of 2019
Date of Decision: January 10, 2020

Johny Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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. 81 dated 21.07.2019, under Sections 307, 324, 323, 341, 148 and 149 IPC, registered at Police Station Sadar, Gurdaspur, District Gurdaspur. The petitioner apprehends his arrest at the hands of police, upon subsequent addition of offence punishable under Section 307 IPC in the above FIR.

On 11.12.2019, notice of motion was issued.

Learned counsel for the petitioner contends that at the stage of registration of the FIR, offence punishable under Section 307 IPC was not incorporated in the FIR. According to him, the petitioner was arrested on 02.08.2019 and the concession of regular bail was extended to him vide order of even date (Annexure P-2). He submits that the offence punishable

under Section 307 IPC was added subsequently, therefore, the petitioner is not required for the custodial interrogation merely on addition of an offence.

Learned State counsel, who is assisted by ASI Harmender, does not dispute this fact that earlier the petitioner was released on regular bail and subsequently the offence under Section 307 IPC was added.

Considering the above, but without expressing any opinion on the merits of the case, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, in the newly added offence under Section 307 IPC in the FIR, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join the investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

Petition stands allowed.

January 10, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No