

CRM-M-55176-2019 (O&M)

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

**CRM-M-55176-2019 (O&M).
Decided on: March 02, 2020.**

Baldev Singh

.. Petitioner

VERSUS

State of Punjab and another

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Jasdev Singh Mehndiratta, Advocate,
for the petitioner.**

Mr.Ajay Pal Singh Gill, DAG, Punjab.

**Mr.Sudhir Sharma, Advocate, and
Mr.Ram Krishan Rana, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'the Cr.P.C.') praying for grant of anticipatory bail in FIR No.91 dated 14.07.2017, under Sections 302 read with Section 120-B IPC, registered at Police Station Fatehgarh Sahib,

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District Fatehgarh Sahib.

Learned counsel for the petitioner has, inter alia, argued that in the present case FIR was registered on 14.7.2017 wherein there was one accused namely Charanjit Singh @ Channy. He further submits that after the investigation challan was presented on 2.10.2017 and the charges were framed against said accused Charanjit Singh @ Channy on 28.10.2017 and thereafter, at the stage of recording of statement of accused under Section 313 Cr.P.C., the police involved four other persons namely petitioner - Balbir Singh, Prem Singh, Dayal Singh and Malkiat Singh.

Learned counsel submits that so far as petitioner is concerned, he was admitted on interim bail but in the meanwhile he had filed the present petition for anticipatory bail and interim protection has been granted. Thereafter, on 29.11.2019, the aforesaid main accused Charanjit Singh @ Channy was convicted for the offence. Learned counsel has further argued that so far as other co-accused against namely Prem Singh and Dayal Singh, whom the police had proceeded had filed bail applications which were allowed. Learned counsel has further argued that the petitioner has been wrongly proceeded against by the police because even at the stage of recording of statement of accused under Section 313 Cr.P.C., the police started raiding his premises and therefore, he was compelled to file the present petition. He has further argued that accused has already been convicted and there is nothing to show that the petitioner was also involved in the present case. He has referred to the orders passed by this Court in CRM-M-33275 of 2019, titled as Jathedar Baba Prem Singh

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and another Vs. state of Punjab in which the Senior Superintendent of Police, had also stated that so far as no phone call details have been found connecting the petitioners of that case but as a matter of fact on account of rivalry between various factions, their interrogation is very much required. He has further referred to the statements made by the complainant at page 35 wherein it has been stated by the complainant that motive behind the occurrence was that the accused had been nursing a grudge against his father due to party politics at the instance of Prem Singh, Malkiat Singh, Dayal Singh and Baldev Singh and in this way he has stated that the petitioner was at parity with other co-accused.

Notice of this petition was issued on 20.12.2019 in which interim protection was granted to the petitioner. Thereafter, the complainant was also impleaded as respondent No.2 in the present petition.

Today, learned State counsel, on instructions from ASI Baljinder Singh, has submitted that in pursuance of the orders passed by this Court dated 20.12.2019, the petitioners has joined investigation and has fully cooperated with the investigation process and no recovery is to be effected from the petitioner. He has further stated that custodial interrogation of the petitioner is not required, at this stage.

Learned counsel for the complainant has opposed the grant of anticipatory bail on the ground that the matter is serious in nature and it was a case where the murder has taken place and the police is investigating the matter and therefore, custodial interrogation of the petitioner would be required in the present case. He further submits that six

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murders have been occurred in their faction although he stated very fairly that said murders are not attributed to the petitioner.

I have heard heard the learned counsel for the parties and perused the paper book.

In the present case the date of FIR is 14.7.2017 and the accused in the FIR Charanjit Singh @ Channy already stands convicted by the learned trial Court and it was at the stage of recording of statement of accused under Section 313 Cr.P.C. that the police tried to investigate the matter again and four persons were involved in this regard including the petitioner. The police wanted to go further into the matter even at the post conviction stage in view of the statement which was made by the complainant before the learned trial Court. The conviction had already taken place on 29.11.2019, with regard to aforesaid Charanjit Singh @ Channy and so far as petitioner is concerned, learned counsel for the State has categorically submitted that the petitioner has already joined the investigation and has fully cooperated with the investigation process. He has further categorically stated that custody of the petitioner is not required in the present case although learned counsel for the complainant has opposed the grant of anticipatory bail. It is a case where FIR is of the year 2017 and at this stage no recovery is required to be effected from the petitioner and he has already cooperated with the investigation and a categorical stand has been taken by the State that custodial interrogation of the petitioner is not required.

In view of facts and circumstances of the case and the

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stand taken by the learned State counsel, the present petition is allowed.

Interim order dated 20.12.2019, is hereby made absolute.

March 02, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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