

In virtual Court

CRM-M-748-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-748-2020 (O&M)
Date of decision: 19.08.2021

Varinder Singh @ Bindu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Bajwa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.09 dated 23.01.2019 under Sections 365/341 IPC, registered at Police Station Division A, District Amritsar.

While granting interim bail to the petitioner, following order was passed by this Court on 15.01.2020: -

“...Learned counsel for the petitioner relies upon the order dated 27.02.2019, vide which co-accused Gurinder Singh had been granted the concession of interim anticipatory bail, which reads as under: -

“Learned counsel for the petitioner submits that the

contents of the FIR are misleading and the same have been drafted cleverly so as to involve the petitioner in a criminal case because of the fact that the brother of the petitioner has got an FIR under Section 307 IPC registered against the son of the complainant and co-accused Gagandeep Singh and has also got an FIR under Section 307 IPC registered against him. The timeline of the case supports the contention of the petitioner. The incident allegedly took place on 03.01.2019 but the complaint was filed only 04 days later on 07.01.2019. No injuries have been caused to the son of the complainant and nothing is to be recovered, therefore, the custodial interrogation of the petitioner is not necessary...”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is no more required for further investigation. It is further submitted that a period of about 01 year and 08 months has passed and there is no complaint against the petitioner that he has misused the concession of interim bail.

Learned State counsel, on instructions from ASI Bharat Bhushan, submits that though the petitioner has joined the investigation, however, this fact was not brought to the notice of the trial Court and the petitioner was declared a proclaimed offender on 07.02.2020.

In reply, learned counsel for the petitioner submits that matter stands compromised between the parties and the petitioner has already filed CRM-M-29612-2020 praying for quashing of FIR on the basis of compromise,

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in which directions have been issued to record statements of the parties vide order dated 24.09.2020.

After hearing learned counsel for the parties and considering the aforesaid submissions, this petition is allowed and the interim bail granted to the petitioner vide order dated 15.01.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Since interim anticipatory bail, granted to the petitioner vide order dated 15.01.2020, has been confirmed today itself, the order dated 07.02.2020 passed by the trial Court, declaring him proclaimed offender, is set aside.

**[ARVIND SINGH SANGWAN]
JUDGE**

19.08.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No