

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2280-2021 (O&M)
Date of Decision:- 17.8.2021

Prem Chand Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.S.Ahluwalia, Advocate, for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail, apprehending his arrest consequent upon the petitioner having been summoned with the aid of Section 319 Cr.P.C. in respect of a trial arising out of FIR No.102, dated 9.10.2018, Police Station Kotwali, Nabha, District Patiala, under Sections 302, 323, 34 IPC and Sections 27/54/59 of Arms Act.
2. At the time of issuance of notice of motion on 15.1.2021 the following order was passed:

“Although this is a second petition filed under Section 438 Cr.P.C. but the same is being entertained on account of certain changed circumstances inasmuch as the earlier petition had been filed during the course of

investigation and infact upon investigation the petitioner had been found innocent, whereas the instant application has now been filed after the petitioner has been summoned with the aid of Section 319 Cr.P.C.

Learned counsel for the petitioner has submitted that it is a case where three generations from the side of accused have been roped in a case of alleged murder of Ravinder Kumar, who is alleged to have been shot dead by son of the petitioner.

Learned counsel for the petitioner has submitted that although he was declared innocent during investigation but he is now sought to be summoned with the aid of Section 319 Cr.P.C. It has further been submitted that the petitioner, in any case, being an infirm person aged 73 years deserves the concession of bail.

Notice of motion for 27.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel has informed that pursuant to interim directions issued by this Court, the petitioner has since appeared before the trial Court and has been released on interim bail.

4. Having regard to the facts and circumstances of the case particularly the fact that the petitioner has been summoned with the aid of Section 319 Cr.P.C. and is an aged person of 73 years and the fact that at this stage his custodial interrogation would not be required as challan already stands presented, the petition is accepted and it is ordered that the trial Court shall make the interim bail absolute subject to his furnishing bail bonds/surety bonds to its satisfaction.

17.8.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No