

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

206

**CRM-M-3515-2020
Date of decision: 07.07.2021**

Gurbaksh Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. P.P.S. Duggall, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

Mr. Karanjeet Singh Brar, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.222 dated 13.11.2019 registered under Sections 302, 323, 148 and 149 of the Indian Penal Code, 1860 at Police Station Guru Har Sahai, District Ferozepur.

This Court vide order dated 06.02.2020 had granted interim anticipatory bail to the petitioner with direction to join the investigation.

The petition has been opposed by the learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State and the complainant.

I have heard learned Counsel for the petitioner, learned

State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner, who is 90 years old, has no sight in one eye and walks with great difficulty, has been falsely implicated in the case. The deceased had died due to heart failure which has been concocted to be case of murder. The petitioner is alleged to have caused injuries to complainant Kashmir Lal which were declared to be simple in nature. The petitioner is not alleged to have caused any injury to the deceased. In compliance with order dated 06.02.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned Counsel for the complainant has submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Gurcharan Singh, submitted that in compliance with order dated 06.02.2020 passed by this Court, the petitioner has joined the investigation and that on completion of investigation cancellation report has been prepared by the police which is pending for approval by the higher authorities and the custodial interrogation of the petitioner is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that the police has prepared

the cancellation report coupled with the fact that the custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 06.02.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

07.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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