

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

CRM-M-10341-2021

DECIDED ON: 3rd AUGUST, 2021

SUMEDH SINGH SAINI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. APS Deol, Sr. Advocate with
Mr. H.S. Deol, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a petition seeking anticipatory bail in FIR No. 129, dated 7th August, 2018, under Sections 307, 326, 324, 323, 341, 201, 218, 120-B, 148, 149 read with 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station City Kotkapura, District Faridkot.

[3] The petitioner apprehended arrest on being summoned for 26th March, 2021 by the Court of Judicial Magistrate Ist Class, Faridkot on presentation of 4th Supplementary Report under Section 173(8) Cr.P.C.

[4] Notice of motion was issued on 4th March, 2021. Meantime the arrest of the petitioner in the FIR was stayed.

[5] On 22nd March, 2021 the interim directions were modified and

the arrest of the petitioner was stayed, however, the prosecution/State was

given liberty to proceed with the matter in accordance with law.

[6] Learned State counsel submits that this Court vide order dated 9th April, 2021 passed in CWP No. 17459 of 2019 has set aside the charge sheet filed in the present FIR. Thereafter a fresh SIT has been constituted.

[7] Learned Senior counsel for the petitioner submits that there is still apprehension of arrest by the petitioner, as he has been summoned by new SIT.

[8] It would be appropriate to note that petitioner was not named in the FIR. It was only on the basis of 4th Supplementary Report under Section 173(8) Cr.P.C. that the petitioner was summoned. The charge sheet and 4th Supplementary Report no longer exists. Now there is a fresh investigation by a newly constituted SIT.

[9] However, it would not be appropriate to ignore the factual background of the case. Petitioner served the State being IPS officer. This Court in CRM-M-45242-2018 while considering various aspects involved including political colour, vide order dated 11th October, 2018 granted a protection that in case petitioner is to be arrested, a clear seven days notice would be served.

[10] In view of change in circumstances during the pendency of this petition, the present petition is disposed of

[11] In case the petitioner is sought to be arrested, one week's notice shall be given to the petitioner so as to enable him to have recourse to remedies available to him.

(AVNEESH JHINGAN)
JUDGE

3rd AUGUST, 2021
sham

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