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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M NO.9958 of 2020
Date of Decision: 14.07.2021

LAKHWINDER SINGH	Petitioner
Vs	
STATE OF HARYANA	Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.S Brar, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail in case bearing FIR No.333 dated 19.12.2019 registered under Sections 379B and 34 IPC, 1860 at Police Station City Faridkot, District Faridkot.

Notice of motion was issued on 06.03.2020. Thereafter, vide order dated 29.06.2021, learned State counsel sought time to verify the authenticity of undated affidavit of the complainant attached as Annexure P2 with the petition. In the aforesaid affidavit, the complainant has exonerated the petitioner and his co-accused Sukhchain Singh. Thereafter,

vide order dated 08.07.2021 one more opportunity was granted to learned State counsel to do the needful.

Learned counsel for the complainant submits that State has filed status report by way of affidavit of Satvinder Singh Virk, PPS, Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot on behalf of respondent, wherein factum of affidavit has been verified from the complainant Bina Kumari by recording her statement in which she has admitted that the affidavit is genuine. Even Bina Kumari has been examined before the Court where she has been declared hostile. She has not supported the case of prosecution.

Looking to the aforesaid circumstances, I am of the view that the petitioner has made out a case for the grant of anticipatory bail.

Accordingly this petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 21.07.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer

as and when required;

- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

14.07.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

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