

213

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

(Through video-conferencing)

CRM-M No.15232 of 2021

Date of Decision: 17.09.2021

GURPREET SINGH @ GOPIPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.171 dated 30.08.2020 registered under Sections 379-B/148/149 IPC at Police Station Khalchian, Amritsar Rural.

Notice of motion was issued on 07.04.2021 and interim anticipatory bail was granted to the petitioner on the premise that the petitioner was nominated on the basis of disclosure statements of co-accused Satpal @ Vishal and Vinod Kumar @ Bhaiya in FIR No.297 of 2020, Police Station Jandiala. In the present case, the complainant stated that he can identify the accused persons, if brought before him.

Admittedly, test identification parade has not been conducted viz-a-viz. involvement and identity of the petitioner.

This fact has been asserted by learned counsel for the petitioner and admitted by learned State counsel on instructions from SI Tejpal Singh. Learned State counsel however submits that in compliance of order dated 07.04.2021, petitioner has joined the investigation, but he has not facilitated recoveries.

In the very nature of allegations and nomination of the petitioner on the basis of disclosure statements of co-accused in different FIR and in the absence of test identification parade, the complicity of the petitioner would remain debatable. Since the petitioner has joined the investigation, therefore, the interim order dated 07.04.2021 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

September 17, 2021	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No