

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.16811 of 2020 (O&M)

Date of Decision: January 21, 2021

Jaswinder Singh @ Jaji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.70 dated 13.11.2018, under Sections 307, 336, 34 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Dhilwan, District Kapurthala. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“CRM-14561-2020

Application is allowed, subject to all just exceptions.

CRM-M-16811-2020

Learned counsel for the petitioner contends that in the alleged firing, no one was hurt as the gun shot had hit the iron gate and a wall. It is pointed out that as per the disclosure statement

of co-accused Vicky @ Vikramjit Singh, the firing was done by co-accused Rahul @ Dana, who has been released on regular bail. According to the learned counsel, in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 15.10.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Paramjit, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.06.2020 is made absolute.

January 21, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No