

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

212

CRM-M-31081-2021

Date of Decision: 07.10.2021

Rohit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Moudgill, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Onkar Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.35 dated 01.02.2020 at Police Station City Sunam, District Sangrur, under Sections 307/323/324/148/149 IPC.

2. On 20.08.2021, this Court passed the following order was passed:

“Learned counsel for the petitioner submitted that in the instant case complainant-Balbir Singh has already expired and that when injured Lakhwinder Singh was examined in the Court during trial of the co-accused against whom challan had initially been presented, he totally resiled and did not support the case of prosecution at all and categorically stated that the accused had their faces muffled and that he could not identify any of the persons due to their muffled faces.

Learned State counsel however, requests for a short adjournment to verify the aforesaid facts as regards the death of the complainant and also as regards the resiling of Lakhwinder Singh.

List on 7.10.2021.

The learned State counsel shall apprise this Court as to whether statement of other injured Jasbir Singh has been recorded or not.

Meantime, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Learned State counsel upon instructions has informed that statement of PW Jasbir Singh has been recorded today before the trial Court, but he has not supported the case of the prosecution and has been declared hostile.
4. Having regard to the aforestated position wherein the injured/complainant Balbir Singh already stands expired and both the other injured, namely, Lakhwinder Singh and Jasbir Singh have been declared hostile and while also noticing that the petitioner is stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 20.08.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and

cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

07.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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