

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

101 + 203

CRM-M-36132-2021 (O &M)

Date of decision: 07.12.2021

GANDHARAV SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Vipin Mahajan, Advocate
for the applicant-petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

Mr. R.S. Manhas, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

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

CRM-41696-2021

For the reasons mentioned in the application, the same is allowed and the petitioner is permitted to place on record accompanying affidavit along with Annexure P-10 and is exempted from filing true typed copy of the same.

Registry is directed to tag the aforesaid documents at appropriate place and paginate the paper book.

CRM-M-36132-2021

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 22 dated 04.04.2019 registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 at Police Station Shahpurkandi, District Pathankot, Punjab.

While issuing notice of motion on 10.09.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 10.09.2021 reads as under :-

“Petitioner is directed to appear before the trial Court on 16.09.2021 and on his doing so, he shall be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court..”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has submitted that in compliance with order dated 10.09.2021, the petitioner has appeared before the trial Court and has furnished his bail/surety bonds which have been accepted by the learned trial Court.

Learned State Counsel and learned Counsel for the complainant have opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed. However, learned State Counsel has acknowledged that the petitioner has appeared before the trial Court and has furnished bail/surety bonds.

Further, in compliance of the order dated 28.10.2021 passed by Co-ordinate Bench of this Court, affidavit has been filed by the petitioner by way of CRM-41696-2021 and in para 6 and 7 of the affidavit, it has been specifically mentioned that the petitioner has never made any attempt to threaten or influence the witness or widow of the deceased and undertake that he would never try to threaten or influence the widow of the deceased or any other material witness. The

petitioner further undertakes that he would not carry anything in his hands while passing through the street which leads to Haveli of the complainant and would avoid the aforesaid passage and would go to his fields from some other alternate route as far as possible.

In view of the facts and circumstances of the case, affidavit filed by the petitioner that he shall not try to threaten or influence the widow of the deceased and other material witnesses and the petitioner has appeared before the trial Court and has joined proceedings but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 10.09.2021 granting interim bail to the petitioner is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of accordingly.

07.12.2021

kavneet singh

**(SANT PARKASH)
JUDGE**

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