

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-37029 of 2020 (O&M)

Date of decision : January 05, 2021

Jagga Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JPS Brar, Advocate, for the petitioner
Mr. Jagmohan Ghumman, DAG, Punjab
Mr. Navjot Singh, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

The present case was got registered on the statement of one Rajvir Singh who alleged that while they were present at a wedding on 17.11.2016 co-accused non-applicant Shagandeep Singh alias Pappu accosted brother of the complainant namely Raminder Singh and questioned him that why he got a false case registered at the instance of one Mukhpal Singh. During the course of heated debate, it is alleged that accused non-applicant Shagandeep Singh took out his pistol and fired a shot towards the brother of the complainant hitting on the abdomen. The allegations against the

petitioner are that he was instrumental in instigating principal accused to attack the injured.

Counsel for the petitioner contends that there is no specific role or presence of the petitioner assigned in the FIR and it is at a belated stage his name has cropped up and has sought to hold out that during investigation, the petitioner was found innocent and has sought to place reliance on Annexures P/1 and P/2, orders of this Court to that effect. It is contended that nothing is to be recovered from the petitioner.

On behalf of the State assisted by Mr. Navjot Singh, counsel for the complainant strong opposition has been raised to allowing the bail claiming that a fire shot has hit the injured in the stomach and that the petitioner is instigator of the crime and therefore, his custodial interrogation is very much essential.

Appreciating the submissions, admittedly the petitioner was allowed bail by this Court vide orders dated 16.3.2017 and that subsequently on the statement of the State vide orders dated 13.9.2017, the bail application was rendered infructuous as it was the stand of the State that the petitioner has been found innocent. At this belated stage, after second inquiry the petitioner has been roped in as an accused. Thus, at this belated stage, custodial interrogation of the petitioner is not essential together with the fact that initially there is no specific role assigned to him in the commission of this crime, impels

this Court to allow the anticipatory bail.

In view of the aforesaid, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, the petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court. Presently, the petitioner is directed to join investigation within 15 days of the receipt of the copy of order.

The present petition stands disposed of.

January 05, 2021
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No