

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

(Sr. No. 214)

CRM-M No.46544 of 2021

Date of decision : 30.11.2021

Chamkaur Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Puneet Sharma, Advocate for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. N. S. Chahal, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 21 dated 31.01.2020 registered under Sections 302/297/34/201 IPC and Sections 25/27/30/54/59 of the Arms Act, at Police Station Kotbhai, district Sri Muktsar Sahib.

On 12.11.2021, this Court had passed the following order : -

“Learned counsel for the petitioners inter-alia contends that the alleged occurrence is stated to have taken place on 31.01.2021 at 3.00 p.m. in Sri Muktsar Sahib on which date both the petitioners were in Jaipur; the petitioners have presented all evidences with the investigating officer with regard to them being in Jaipur on the above date and time; such evidences included railway tickets and hotel records; the investigating officer not only verified the above records but also went through cctv footage of a Government Hospital in Jaipur where one of the petitioners, along with the other, had gone for

his treatment; cctv footage of the hotel where both the petitioners stayed has also been seen by the investigating officer; it is virtually impossible for the petitioners to be at two places at the same time; as and when the petitioners were called by the investigating officer they have dutifully appeared and cooperated with the investigating agency; after investigation the State gave a clean chit to the petitioners; except the bald statement of the complainant there was no other fresh evidence before the Trial Court to negate the above plea of alibi raised by the petitioners and accepted by the investigating agency earlier; no useful purpose would be served by sending the petitioners behind the bars at this stage and that the petitioners are also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Ms.Gunkirat Kaur, AAG Punjab, accepts notice on behalf of the respondent-State and Mr.Nishan Singh Chahal, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 30.11.2021.

Subject to the petitioners' making themselves available for investigation purposes as and when they are so needed for such purpose, till the adjourned date, on their appearance before the Trial Court within a week from today the Trial Court shall admit them to ad interim bail to its satisfaction.”

Learned State counsel submits that under the afore-quoted order passed by this Court the petitioners have appeared before the Trial Court and on such appearance, they have been admitted to ad interim bail to the Trial Court's satisfaction.

After going through the afore reasons on the basis of which the

petitioners were granted ad interim protection as also because the petitioners have shown their *bona fide* by appearing before the Trial Court, the interim order dated 12.11.2021 passed by this Court is made absolute.

30.11.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No