

203-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50099 of 2019 (O&M)

Decided on: 09.11.2021

Rakesh Kumar @ Rimpa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Kuljit Singh, Advocate
for Mr. C.M. Munjal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR
No.0182 dated 25.08.2018, registered under Sections 302, 506, 148,
149 IPC at Police Station Jandiala, District Amritsar (Rural).

The operative part of the order dated 26.11.2019, vide
which interim anticipatory bail has been granted to the petitioner, is
reproduced as under:-

*“...It is contended by learned counsel for the
petitioner that the petitioner was found innocent by the
police during investigation. He has been summoned only
under Section 319 Cr.P.C. The only basis for summoning
the petitioner is the statement of complainant-Vijay Kumar
Malhotra. However, the said statement is not supported
even by the son of the deceased, who was present on the*

scene of the occurrence. The son of the deceased has not even named the petitioner as the assailant. It is further submitted that the petitioner would appear before the trial court to face the proceedings.

Notice of motion....”

This petition is pending since 2019 and the interim order is continuing.

Counsel for the petitioner has also submitted that in the intervening period, there is no complaint of misuse of concession of interim bail by the petitioner.

Counsel for the petitioner has submitted that, in pursuance to the order dated 26.11.2019, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State assisted by counsel for the complainant and on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation. It is further submitted that the case is now fixed before the trial Court, awaiting the final order in the present case as prior to summoning of the petitioner under Section 319 Cr.P.C., 03 PWs were already examined.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 26.11.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

09.11.2021

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Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No