

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-1830-2022 (O&M)

Date of Decision:- 10.5.2022

Khem Chand Sharma

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagmeet Singh Moudgill, Advocae for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Mithu Ram.

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 1.2.2020, Police Station City Sunam, District Sangrur under Sections 307, 323, 324, 148 and 149 of Indian Penal Code.
2. At the time of issuance of notice of motion the following order was passed on 17.1.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.35 dated 1.2.2020, Police Station City Sunam, District

Sangrur under Sections 307, 323, 324, 148 and 149 of Indian Penal Code.

It has been submitted by learned counsel for the petitioner that in the instant case complainant Balbir Singh has already expired and that when the injured Lakhwinder Singh @ Lakhi and Jasvir Singh were examined by the Court during the proceedings of trial, they have resiled from their statements and have not supported the case of the prosecution and that both of them stated that the accused had their faces muffled and that they could not identify them.

Notice of motion for 2.5.2022.

Meanwhile, 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 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.

Learned counsel for the petitioner to place on record a copy of statement of PW Jasvir Singh on or before the next date of hearing.”

3. Learned State counsel, upon instructions from ASI Mithu Ram, has informed that pursuant to interim directions, the petitioner has joined investigation and is not required for custodial interrogation. It has however, been informed that the petitioner is involved in one more case.
4. Having regard to the aforestated position wherein the petitioner has joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions

issued by this Court vide order dated 17.1.2022 is 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.

10.5.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No