

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5467-2020

Date of decision-19.01.2022

Vishal Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bikramjit Aroura, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.139 dated 12.08.2019 under Sections 307, 34 and 120-B Indian Penal Code, 1860 and Sections 25 and 27 Arms Act, 1959 registered at Police Station Gharinda, District Amritsar Rural. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.02.2020, whereby while issuing notice of motion, the interim protection was extended to the petitioner. The said order reads as under:-

“Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner in case FIR No. 139 dated 12.08.2019 registered under Sections 307/34 and 120-B IPC and Sections 25 and 27 of the Arms Act at Police Station Gharinda, District Amritsar Rural. According to prosecution, in the day time of 12.08.2019, complainant-Bikramjit Singh, heard noise of firing towards his house and also calling him outside, in order to kill him. From CCTV footage installed on the main gate of his house, he found that the assailants were two young boys with covered faces, aged around 20-25 years, out of which one

was Sikh. They fired 5-6 shots towards his house. Motive behind the occurrence was resistance of complainant for installation of a big gate by the petitioner in front of house of the complainant, for his egress and ingress to his house in a blind street. Learned counsel inter alia contends that petitioner has falsely been implicated in the instant case, on account of dismissal of stay application of father of complainant by the Civil Court vide order dated 02.07.2019 (Annexure P-2) against the petitioner to restrain him from opening any gate in the blind street. No recovery has to be effected from the petitioner. Conspiracy of petitioner with those un-known assailants with muffled faces is on hearsay, therefore, he is not required for any custodial interrogation. Notice of motion for 29.04.2020. In the meanwhile, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Major Singh does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.02.2020 is made absolute.

19.01.2022

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Whether speaking/reasoned :
Whether Reportable :

(MANOJ BAJAJ)
JUDGE

Yes	No
Yes	No