

202-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6377-2020

Date of decision-11.01.2022

Jasvir Chand @ Sanju

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Raj Kumar Gupta, Advocate for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.127 dated 06.09.2019 under Sections 307, 323, 324, 148, 149 and 506 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Mahilpur, District Hoshiapur. 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 13.02.2020, whereby while issuing notice of motion, interim protection was extended to the petitioner. The said order reads as under:-

"It is stated that Kulvir Singh @ Mani, Baljinder Bobby and Paramjit Singh @ Pamma, co-accused of the present petitioner have been granted pre-arrest bail by this Court. Copies of such orders have been placed on file. It is further contended that the matter has since been compromised between the parties. Copy of written compromise has been made part of the record. It is contended that the petitioner is ready and willing to join the investigation.

Notice of motion for 31.03.2020.

The petitioner is directed to join the investigation by contacting the Investigating Officer within 05 days from today and render all sort

of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.”

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 SI Om Prakash does not dispute this fact that the petitioner has joined the investigation, but the weapon used in the crime has not been recovered so far.

At this stage, Mr. Raj Kumar Gupta, Advocate has argued that no offence punishable under Section 307 IPC would be made out as no injury was suffered by anyone and the other co-accused of the petitioner have already been released on anticipatory bail. In this regard, he has drawn the attention of the Court to the orders dated 23.10.2019 and 20.11.2019 (Annexures P-3 to P-5).

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 13.02.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

11.01.2022

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No