

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(207)

CRM-M-15940-2022

Date of decision: - 06.07.2022

Sukhpal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.18 dated 07.03.2022, under Sections 307, 323, 148, 149 and 506 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Kot Fatta, District Bathinda.

On 20.04.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present case is a case of no injury and even allegations with respect to firing have been made against the co-accused Gurpal Singh. It is further submitted that although in the order dated 29.03.2022 (Annexure P-2), it has been noted that there are 6-7 criminal cases pending against the petitioner, but as per instructions given by the petitioner, there is no other case pending against the petitioner.

Notice of motion.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 06.05.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Thereafter, on 06.05.2022, this Court was pleased to pass the following order: -

“Learned State counsel has pointed out that the petitioner is not cooperating with the investigation inasmuch as, the car in question has not been handed over by the petitioner.

The petitioner is again directed to join the investigation on 18.05.2022 at 11:00 AM.

Adjourned to 06.07.2022.

Interim order to continue till the next date of hearing.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said orders, the petitioner has joined the investigation.

Learned State counsel, on instructions from HC Darshan Singh, has submitted that the petitioner has joined the investigation on 18.05.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 20.04.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 20.04.2022 is

ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

July 06, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No