

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-18386-2022
Date of decision: 02.05.2022**

Saimual Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jasmeet Singh Ghumman, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.27 dated 10.03.2019 under Sections 302, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Division No.2, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner, at the very outset, relies upon order dated 27.04.2022 passed in CRM-M-17268-2022, vide which co-accused Teepu @ Saleem Masih has been granted the concession of anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioner relies upon the order dated 22.04.2022 passed in CRM-M-15501-2022, vide which co-accused Renu has been granted the concession of anticipatory bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Gurpreet Singh @ Gopi, on 10.03.2019, he along with his brother

Jaspreet Singh @ Jassa were going on a scooter to meet his in-laws family. In the meantime, the accused persons along with 2-3 unidentified persons encircled them. Accused Ajay and Kaku were armed with pistols, father of Ajay was armed with datar, Tipu and some other persons were empty handed. It is further stated in the FIR that Renu, sister of Ajay raised a lalkara that Jassa should not escape and thereafter, all the accused persons caused injuries. In the meantime, Bablu, wife of Ajay and Renu, sister of Ajay were raising lalkara.

Learned counsel for the petitioner has argued that the petitioner was discharged at initial stage, however, he has now been summoned under Section 319 Cr.P.C. and is ready to face the trial. He has instructions to say that the petitioner will not challenge the order dated 02.04.2022, vide which the application filed by the prosecution was allowed, summoning him as an additional accused.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the fact that the petitioner, at one point of time, was discharged and now he has been summoned as additional accused with the aid of Section 319 Cr.P.C...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that he has instructions to say that the petitioner will not challenge the order dated 02.04.2022, vide which the application filed by the prosecution was allowed, summoning him as an

additional accused and will face the trial, as he was declared innocent by the police during the investigation.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has not disputed the fact that the petitioner was found innocent in the investigation and now he has been summoned as additional accused with the aid of Section 319 Cr.P.C.”

Learned counsel for the petitioner submits that he has also instructions to say that the petitioner will not challenge the order dated 02.04.2022 (Annexure P-3), vide which the petitioner has been summoned as an additional accused under Section 319 Cr.P.C., and he will face the trial.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and does not dispute the factual position.

In view of the same, the present petition is allowed and the petitioner is granted the concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

02.05.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*