

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34475-2021
Date of Decision: 14.02.2022

BHUPINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Arora, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
* * *

VIVEK PURI, J. (ORAL)

On 24.08.2021, following order was passed:

“The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No. 74 dated 07.07.2019 under Sections 366/376/506 of IPC registered at Police Station Lohian, District Jalandhar.

Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the said FIR as would be evident from the fact that he has not been named as an accused in the FIR that had been registered at the behest of the complainant on 07.07.2019 since the main allegations in the said FIR are against one Gurpreet Singh @ Laddi who has since been allowed regular bail by this Court vide an order dated 18.12.2019.

It is further submitted that after the investigation, the petitioner herein had been kept in column No.2 of the final report and it is only when application under Section 319 Cr.P.C. was allowed that he has been summoned as an additional accused by an order dated 12.01.2021. Learned counsel for the petitioner further submits that as the matter has already been investigated and the trial is proceeding, his custodial interrogation would not be required. Learned counsel would further submit that he is ready to face trial and prays for grant of anticipatory bail to the petitioner.

Notice of motion.

Mr. A.S.Gill, Senior DAG, Punjab, appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State and seeks some time to file reply.

Since the petitioner herein had been kept in column No.2 of the *challan* filed against the co-accused, I deem it appropriate to stay his arrest limited for a period of 10 days to enable him to put in his appearance before the trial Court, where on moving an appropriate application, he will be

admitted to interim bail subject to his furnishing personal bonds and surety to the satisfaction of the trial Court.
Adjourned to 14.02.2022.”

Learned counsel for the petitioner contends that the petitioner was found innocent during the course of investigation and has been summoned under Section 319 Cr.P.C. Furthermore, the main accused, namely, Gurpreet Singh @ Laddi has already been released on bail. In pursuance of the interim directions, the petitioner has surrendered before the learned trial Court on 01.09.2021 and has been released on interim bail and thereafter his non-bailable warrant has been re-called. Copy of the order dated 01.09.2021 has been placed on record.

Learned State counsel, on instructions from ASI Avtar Singh, has not disputed the aforesaid factual position of the case.

In the instant case, the petitioner was found innocent during investigation and was summoned under Section 319 Cr.P.C. Moreover, the co-accused, namely, Gurpreet Singh @ Laddi has already been released on regular bail. The petitioner has surrendered before the learned trial Court in pursuance of the interim directions issued by this Court.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 24.08.2021 is made absolute. However, the petitioner is directed to furnish fresh bail bonds to the satisfaction of learned trial Court within a period of one month.

The petition stand allowed.

14.02.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No