

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30837-2022

Date of decision : 01.09.2022

Amandeep

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gurpeet Singh Dhillon, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.36 dated 07.06.2018 registered under Sections 302, 379-B, 148, 149 and 120-B IPC and Sections 25, 54 and 59 of the Indian Arms Act, 1959 at Police Station Naya Gaon, District SAS Nagar, Punjab.

On 19.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, a detailed investigation was conducted by DSP, wherein the petitioner was found to be innocent and was thus, not challaned and was put in column No.2. It is further submitted that subsequently, PW1-Pritam Singh was examined, who had reiterated the allegations which have been levelled in the FIR, and on the basis of the same, the petitioner was summoned under Section 319 of Cr.P.C. It is contended that even as per the said statement, the fire arm injury suffered by the deceased had been attributed to the co-accused Akash and the only allegation levelled against the petitioner was

that he, alongwith Arun Ghagat @ Nonnu had given slaps and fist blows to the deceased and that the petitioner, even as per the version given in the FIR, was not armed with any weapon. It is further contended that since the investigation is complete and nothing is to be recovered from the petitioner, thus, his custodial interrogation is not required. It is argued that the petitioner undertakes to join the proceedings. It is further submitted that co-accused of the petitioner namely Rishab @ Uddu, Sunil Kumar @ Shila, Arun Ghagat and Gagandeep Singh Maan @ Maan @ Chota Fouji have already been granted the concession of regular bail by this Court.

Notice of motion for 01.09.2022.

The petitioner undertakes to appear before the trial Court within a period of two weeks from today and on his appearance, the petitioner would be released on interim bail subject to the satisfaction of the concerned trial Court. The petitioner would also give an undertaking to the Court within the aforesaid period that he would appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

19.07.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner had appeared before the Additional Sessions Judge, S.A.S. Nagar on 28.07.2022 and has been released on bail on his furnishing bail bonds and surety bonds in the sum of Rs.50,000/- with one surety in the like amount and the said requisite bail bonds have been furnished which have been accepted and attested. Learned counsel for the petitioner has handed over a copy of the order dated 28.07.2022 during the court proceedings which has been taken on record as Mark A.

Learned State counsel, on the other hand, has submitted that in the present case, the petitioner has been summoned in an application under Section 319 Cr.P.C.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 19.07.2022 and the fact that in pursuance of the same, the petitioner has appeared before the Additional Sessions Judge, SAS Nagar on 28.07.2022 and also furnished requisite bonds which have been accepted and attested, the present petition is allowed and the interim order dated 19.07.2022 is made absolute. The petitioner would keep appearing on each and every date before the trial Court except the date on which his personal appearance is specifically exempted by the trial Court.

Nothing stated above shall be construed as an 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 petition.

(VIKAS BAHL)
JUDGE

September 01, 2022
Davinder Kumar

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