

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36304-2022(O&M)

Date of decision : 29.09.2022

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.J.S.Dhindsa, Advocate for
Mr.P.S.Ahluwalia, 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.159 dated 19.12.2020 registered under Sections 302/34 IPC and Sections 25/27 of the Arms Act, 1959 at Police Station Jagraon, District Ludhiana Rural.

On 18.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the name of the petitioner was mentioned in the FIR on the basis of suspicion and thereafter, scientific investigation was carried out and during the course of investigation, records of call details, records of money transfer from abroad, hotel booking records etc., were all considered to ascertain as to who were the actual assailants behind the murder and ultimately, nine persons were nominated as accused persons. It is further submitted that the present petitioner, in fact, was arrayed as a prosecution witness and has referred to list of witnesses (Annexure P-3), in which, the name of the petitioner

figures at Sr. No.3. It is argued that in the supplementary statement given by the complainant, he had specifically stated that the present petitioner was not at fault and the said supplementary statement dated 14.01.2021 was recorded by the Gazetted Officer i.e. DSP, Jagraon. It is further argued that thereafter, PW1 and PW2 were examined and on the basis of their statements, application under Section 319 of Cr.P.C. was moved and the present petitioner has been summoned as an additional accused. It is contended that even a perusal of the statement of PW1 would show that it is on the basis of suspicion that the said complainant-Satpal Singh has involved the present petitioner. It is further contended that since, investigation in the present case is complete and no recovery is to be effected from the present petitioner thus, the custodial interrogation of the petitioner is not required. It is also submitted that the petitioner would appear before the trial Court on or before 23.08.2022, which is the next date of hearing before the trial Court and would also give an undertaking to appear on each and every date before the trial Court unless his personal appearance is specifically exempted by the trial Court.

Notice of motion for 29.09.2022.

In the meantime, the petitioner is directed to appear before the concerned trial Court on or before 23.08.2022 and to give an undertaking to appear on each and every date unless his personal appearance is specifically exempted by the trial Court and on doing so, the concerned trial Court is directed to release the petitioner on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court.

18.08.2022

**(VIKAS BAHL)
JUDGE”**

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has appeared before the Additional Sessions Judge, Ludhiana and has furnished surety bonds and fresh personal bond which have been accepted and attested. He has handed over a photocopy of the zimni order dated 24.08.2022 passed by the Additional Sessions Judge, Ludhiana, which is taken on record as Mark A.

Keeping in view the above said facts and circumstances, the

present petition is allowed and the interim order dated 18.08.2022 is made absolute.

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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 29, 2022
Davinder Kumar

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