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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41868-2021

Date of Decision:02.02.2022

Sira Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Deepinder Brar, Advocate, for the petitioner.

Mr. Arun Kumar Kaundal, Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.119 dated 23.05.2017, under Sections 308, 295-A,323, 324, 148, 149 of IPC, registered at Police Station Sadar Nathana, District Bathinda.

It has been submitted by the learned counsel for the petitioner that in pursuance of the orders passed by this Court on 06.10.2021 the petitioner has joined investigation and he has cooperated with the investigation process and, therefore, order dated 06.10.2021 may be confirmed. He further submitted that even otherwise also as per the status report filed by the State, nothing is to be recovered from the petitioner and there is nothing in the affidavit to show any ground for denial of bail to the petitioner.

Mr. Arun Kumar Kaundal, learned Deputy Advocate General, Punjab has submitted that a status report has been filed today through email since the matter is being taken through video conferencing. While referring to the status report he submitted that the petitioner has actively participated in the offence. He further submitted that it is correct that the petitioner in pursuance of the orders passed by this Court has joined the investigation. While referring to para No.6 of the Status report filed by the State, various recoveries were effected from various other accused but no recovery has been effected from the petitioner nor there is any requirement of recovery as per the status report.

I have heard the learned counsel for the parties.

A perusal of the status report filed by the State would show that the petitioner has joined the investigation on 20.01.2022. In the affidavit the ground taken for opposing the bail is that since the matter is greivous in nature, the petitioner should not be granted the concession of anticipatory bail. A perusal of para No.8 of the status report would show that the State has denied the contention of the petitioner that no injury was attributable to petitioner but no material is discernible from the para No.8 of the affidavit in this regard and it appears that a mechanical objection has been taken by the State. Furthermore, it is neither stated in the status report nor it is the submission of the learned counsel for the State that in case the petitioner is granted bail, then he may abscond from justice or may influence any witness or may not cooperate with investigation process. Apart from this, the other co-accused namely, Jalander Singh , Rajvir Singh and others have also been granted anticipatory bail by Co-ordinate Bench of this Court vide

Annexures P-3 and P-4.

In view of the aforesaid factual position, this Court deems it fit and proper to allow the present petition. Consequently, the present petition is allowed and the order dated 06.10.2021 is hereby made absolute.

02.02.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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