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

CRM-M-47809-2022

Date of decision : 09.11.2022

Milan Singh @ Gushu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Sharma, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.50 dated 19.05.2022 registered under Sections 436 and 120-B of the Indian Penal Code, 1860 at Police Station Shahpur Kandi, Tehsil and District Pathankot.

On 17.10.2022, this Court had passed the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner has not been named in the FIR and there was no reason for the petitioner to burn down the shop of the complainant. It is further submitted that in the present case, even the complainant had come subsequent to the incident of shop having been burnt and thus, could not be stated to be an eye-witness in the case. It is contended that two persons who have been named in the FIR i.e. Abu @ Harjit Saini and Rajat Kumar, have been granted the concession of regular bail and anticipatory bail respectively by this Court. It is further contended that nothing is to be recovered from the present petitioner and he is not involved in any other case.

Notice of motion for 09.11.2022.

In the meantime, in the event of arrest, the petitioner

shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 17.10.2022, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Nirranjan Singh, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 17.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 17.10.2022 is ordered to be made absolute.

However, 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 application.

09.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No