

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-53010 of 2022
Date of Decision:16.11.2022

Gursewak Singh

-----Petitioner

vs.

State of Punjab

-----Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Arshpreet Khadial, Advocate,
for the petitioner

Mr. J.P.Ratra, Sr. DAG, Punjab

JAGMOHAN BANSAL (ORAL)

Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 57 dated 20.5.2015, under Sections 307, 336, 325, 447, 148, 149 and 120-B of IPC and Section 25 of Arms Act, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner submits that petitioner has been summoned under Section 319 CrPC after the expiry of six years from the date of framing charges and seven years from the date of registration of FIR. There is a cross case between the parties and complainants in the present case are accused in another case which has been registered at the behest of the petitioner. The police after completing investigation has filed cancellation report, thus, custodial interrogation of the petitioner is not required. The petitioner is ready and willing to join investigation.

Notice of motion.

Mr. J.P.Ratra, Sr. DAG, Punjab accepts notice on behalf of

respondent-State.

It is undisputed fact that FIR was registered in 2015 and thereafter charges were framed on 21.11.2016. The petitioner during investigation was found innocent, thus, it would not be just and fair to keep the petitioner in custody.

In view of the above, the present petition is allowed. It is made clear that the petitioner shall join the investigation as and when summoned by Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

(JAGMOHAN BANSAL)
JUDGE

November 16, 2022
paramjit

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