

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHCRM-M-6900-2023(O&M)
Date of decision : 03.11.2023

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHLPresent: Mr.Abhinav Oberoi, Advocate and
Mr.Harpreet Singh, Advocate
for the petitioner.

Mr.Kunal Muthreja, AAG, Punjab.

Mr.Labh Singh Sandhu, Advocate and
Mr.Mudit Bhardwaj, Advocate
for the complainant.**VIKAS BAHL, J.(ORAL)**

1. This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.265 dated 11.11.2022 registered under Section 306 IPC at Police Station City Rajpura, District Patiala.
2. On 09.02.2023, a co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the applicant/petitioner contends that there in no specific overt act attributed to the petitioner except to allege that the petitioner is a fake freedom fighter and his family along with families of other co-accused abetted the commission of crime.

Learned counsel for the applicant/petitioner relies upon pendency of CRM-M No.1424 of 2023.

Notice of motion returnable on 17.04.2023.

To be heard along with CRM-M No.1424 of 2023.

Interim order in the same terms as passed in CRM-M No.1424 of 2023.

09.02.2023

(RAJ MOHAN SINGH)
JUDGE”

3.

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.
4.

Learned State counsel, on instructions of ASI Deedar Singh, P.S. City Rajpura, has submitted that the petitioner has joined the investigation and is not required for further investigation.
5.

Learned counsel for the complainant has submitted that the observations made in the above said order should not be construed as an expression on the merits of the main case and the trial as well as the proceedings should be conducted independently.
6.

Keeping in view the above said facts and circumstances, more so, the fact that the petitioner has already joined the investigation, the present petition is allowed and the interim order dated 09.02.2023 is made absolute.
7.

It is made clear that the observations made by the coordinate Bench of this Court while issuing notice of motion and this Court while confirming the anticipatory bail, are limited for the purpose of grant of bail and the same would not be construed as an expression on the merits of the trial which should be considered independently, in accordance with law.
8.

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

(VIKAS BAHL)

JUDGE

November 03, 2023

Davinder Kumar

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