

2023:PHHC:049974

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7090-2023 (O&M)

Date of Decision:-12.4.2023

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurmohan Singh Bedi, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Avdesh Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.80, dated 29.6.2019, Police Station Sri Hargobindpur, District Batala (Gurdaspur), under Sections 302, 109 and 34 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 10.2.2023:

“Learned counsel for the petitioner submits that the petitioner is sought to be arrested in FIR lodged in the year 2019 i.e. FIR No. 80, dated 29.6.2019, Police Station Sri Hargobindpur, District Batala (Gurdaspur).

It has been submitted that the petitioner had associated himself with the inquiry proceedings and when previously he had filed a petition i.e. CRM-M-6282-2020 seeking grant of anticipatory bail before this Court, the State counsel had stated before this Court

that challan already stands presented against the co-accused and the petitioner has been kept in column No.2 and that as such the State does not intend to arrest the petitioner. Consequently, in view of the said statement, the said petition was disposed off vide order dated 10.11.2021.

Notice of motion for 12.4.2023.

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

3. Short reply by way of affidavit of Shri Gurinderbir Singh PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that even if all the allegations as levelled in the FIR are taken to be correct, the only role attributed to the petitioner is that he alongwith other co-accused had raised a ‘*lalkara*’ exhorting their companion Mukhtiar Singh to run over his tractor over Satnam Singh and that thereafter Satnam Singh was crushed under the tractor by Mukhtiar Singh, who was driving the same.
5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the petitioner was not proceeded against as inquiry was stated to be pending.
6. Learned State counsel, upon instructions from ASI Avdesh Singh, has informed that pursuant to interim directions, the petitioner has since joined

investigation and that he is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.

7. Having regards to the fact that the only role attributed to the petitioner is that he had raised a ‘*lalkara*’ and that the petitioner was not proceeded against as inquiry was stated to be pending and otherwise has a clean record and also that he has since joined investigation and is not stated to be required for any further investigation, the petition is accepted and the interim directions issued by this Court vide order dated 10.2.2023 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

12.4.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No