

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CRM-M-17406-2023

Date of decision: 10.08.2023

Simarpal Singh @ Simar Kabaddi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0072 dated 19.03.2023 under Sections 341, 427, 148, 149 and 307 of the IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. On the last date of hearing i.e. 13.04.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“It has been contended by counsel for the petitioner that petitioner has been falsely implicated in this case. He submits that as per allegations made in the FIR, the petitioner has been shown to be a member of an unlawful assembly. He submits that no overt act has been attributed to the petitioner and even the fire-arm, as alleged, has been attributed to the co-accused. He submits that as per case of the prosecution, no injury is caused to any person in this case. He submits that in view of the aforementioned

facts, no prima facie case is made out for custodial interrogation of the petitioner, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same. It is further submitted that petitioner has no criminal antecedents and thus, he deserves to be granted anticipatory bail.”

3. Learned counsel for the petitioner submits that in compliance of order dated 13.04.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI ASI Devender Pal, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 13.04.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

10.08.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

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