

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

208

2023:PHHC:105222

CRM-M-26353-2023

Date of decision: August 16th, 2023

Jagdip Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Arnav Kumar, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail in FIR No.119 dated 11.09.2020 registered under Section 302 of Indian Penal Code, 1860 at Police Station Meharban, District Ludhiana.

Vide order dated 24.05.2023, the petitioner had been directed to appear before the trial Court and was directed to be admitted on interim bail on his furnishing bail bonds to the satisfaction of the trial Court. The relevant part of the said order reads as under:-

“Learned counsel for the petitioner, while inviting the attention of this Court to the FIR (Annexure P-1) which was registered immediately after the occurrence in question, inter alia submits that a perusal of the same clearly reveals that petitioner was not named therein nor any role was attributed to him in the crime in question. He further submits that even during investigation, no evidence or material came to light qua the involvement of the petitioner in the crime in question. It was only

during trial, for the first time, when the complainant stepped into the witness box as PW-1, he improved upon his statement given at the time of the registration of the FIR as well as his statement given under Section 161 Cr.P.C. by attributing a role to the petitioner in the crime in question. Thereafter, an application under Section 319 Cr.P.C. was moved by the prosecution which was allowed and the petitioner was summoned to face trial as an additional accused. Learned counsel further submits that in the aforesaid facts and circumstances, it is evident that the entire complexion of the prosecution case was being sought to be changed and the petitioner had been falsely implicated in the case in hand. Learned counsel submits that he has a genuine apprehension that as and when he appears before the trial Court on the next date of hearing, he could be taken into custody.”

Learned counsel for the petitioner submits that in compliance of order dated 24.05.2023, the petitioner had appeared before the trial Court and furnished bail bonds. In support, he has placed on record certified copy of order dated 01.06.2023 passed by Additional Sessions Judge, Ludhiana.

Learned State counsel, on instructions, does not dispute the factum of the petitioner having appeared before the trial Court.

In view of the above, the petition is allowed and interim order dated 24.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

August 16th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No