



CRM-M- 24560-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M- 24560-2024
Date of decision: 31.08.2024

Gursharan Singh @ GoshaPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. F.S. Bhullar, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C,
the petitioner seeks pre-arrest bail in case FIR (Annexure P-1)
as under: -

FIR No.	Dated	Sections	Police Station
32	09.04.2022	302, 452, 148, 149 IPC (148 and 149 IPC deleted and 449 and 34 IPC added lateron)	Bhikhiwind, District Tarn Taran

2. Learned counsel for the petitioner submits that in
compliance to the order dated 12.08.2024, the petitioner has already
appeared before the learned Trial Court and furnished the requisite bail
bonds and he has annexed the copy of the order dated 16.08.2024

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passed by learned Additional Sessions Judge, Tarn Taran. The same is taken on record and marked as *Annexure 'X'*.

3. During the course of hearing on 12.08.2024, following order has been passed: -

'Status report dated 08.08.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Sub Division Valtoha, camp at Bhikhiwind, District Tarn Taran is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

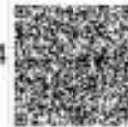
Heard.

It is inter alia contended by learned counsel for the petitioner that after the completion of investigation, the petitioner was found innocent while presenting the challan under Section 173 CrPC by the Police, but he has been summoned to face trial on an application moved under Section 319 CrPC by learned trial Court. He submits that no specific overt act is attributed to the petitioner and he is ready to face the trial. He submits that the case before the trial Court is fixed for 16.08.2024.

Learned State counsel while referring to the status report submitted by the State has not disputed the factual matrix.

In these circumstances without commenting on the merits at this stage, petitioner is directed to appear before the Trial Court/Judge on Duty concerned on or before 16.08.2024. In that event, he is ordered to be admitted on interim bail on his furnishing personal/surety bonds to the satisfaction of the concerned Court/Judge on Duty.

List on 31.08.2024'



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4. Learned State counsel informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had appeared before the Trial Court on 16.08.2024 consequent to the order dated 12.08.2024 passed by this Court, interim bail granted vide order dated 12.08.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

31.08.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |