



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211 CRM-M-30123-2024(O&M)
Date of Decision: 06.08.2024

SANTOKH SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amit Arora, Advocate for the petitioner
Mr. Amandeep Singh Samra, AAG, Punjab.
Mr. Vishal Sharda, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
57	14.04.2023	P.S. City Sirhali, District Tarn Taran	307, 341, 427, 148 and 149 of IPC and Sections 25, 27 of Arms Act (later on Sections 307, 341, 427, 148 and 149 IPC have been deleted and Section 336 IPC has been added)

2. Vide order dated 18.06.2024 passed by this Court, the petitioner
was released on interim bail and was directed to join investigation. Order
dated 18.06.2024 is reproduced as under:

*“The present petition is under Section 438 of the Code of
Criminal Procedure for grant of anticipatory bail to the
petitioner in FIR No. 57 dated 14.04.2023, registered under*



Sections 307, 341, 427, 148 and 149 of the Indian Penal Code, 1860 (for short, 'IPC') and Section 27 of the Arms Act 1959 (later on Sections 307, 341, 427, 148 and 149 IPC have been deleted and Section 336 IPC has been added) at Police Station City Sirhali, District Tarn Taran.

Learned counsel for the petitioner contends that the offence under Sections 307, 341, 427, 148 and 149 IPC stands deleted and now the offence under Section 25 and 27 of the Arms Act and Section 336 IPC is added in the FIR. So far as the FIR is concerned it is stated therein that the petitioner was empty handed. Learned counsel further contends that the petitioner has been falsely implicated in the present FIR and he is ready is to join investigation.

Notice of motion.

On the asking of the Court, Mr. R.S.Budhwar, Addl. A.G. Haryana, accepts notice on behalf of the respondent – State while Mr. Vishal Sharda, Advocate accepts notice on behalf of the complainant.

Learned counsel for the complainant submits that Section 307 IPC has been wrongly deleted.

Learned State counsel submits that he wants to file reply in the present case.

List on 06.08.2024.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail till the next date of hearing to the satisfaction of the Arresting/Investigation Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required to do so.”



3. Learned State counsel has not filed status report. He further, on instructions states that the petitioner has joined the investigation on 03.07.2024. Learned State counsel has submitted that as per MLR report, no bonny abrasion or any injury which could be dangerous to the life of the petitioner has been found and the offence under Section 307 has been deleted. He is not required for custodial interrogation. No useful purpose would be served by detaining him in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 18.06.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

06.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. | <i>Whether reportable</i> | <i>Yes/No</i> |