

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 CRM-M-30662-2024 (O&M)
Date of Decision: 07.08.2024

JAGDEV SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. P.S. Paul, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Bikramjit Singh Randhawa, 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
22	22.02.2023	P.S. Sri Chamkaur Sahib District Rupnagar	302 of IPC

2. Vide order dated 05.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 05.07.2024 is reproduced as under:-

“Prayer in this petition, filed under Section 438 of Cr.P.C., is for grant of anticipatory bail to the petitioner in case arising out of FIR No. 22 dated 22.02.2023, registered under Section 302 of IPC at Police Station Sri Chamkaur Sahib, District Rupnagar, trial of which is pending before the Court of learned Additional Sessions Judge, Rupnagar, where he had been ordered to be summoned as an



additional accused on allowing an application filed under Section 319 of Cr.P.C.

It is argued by learned counsel for the petitioner that he had not been named in the FIR and has been implicated subsequently on the basis of supplementary statement in the shape of an affidavit allegedly given by the complainant. Such affidavit could not be stated to be admissible in evidence. His custodial interrogation is not required since the matter is already pending before the trial Court. No injury resulting into death of the victim has been attributed to the petitioner. The complainant was not an eye-witness to the occurrence nor there is any other eye-witness. No useful purpose would be served by detaining him in custody. Therefore, it is urged by learned counsel for the petitioner that the petitioner deserves to be given benefit of pre-arrest bail.

Notice of motion.

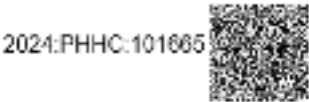
Mr. Bikramjit Singh Randhawa, Advocate, who is present in Court, accepts notice on behalf of the complainant. On asking of Court, Ms. Ruchika Sabherwal, Sr. DAG, Punjab, who is also present in Court, accepts notice on behalf of the respondent-State. They seek some time to file reply/status report.

List again on 07.08.2024.

In the meantime, the petitioner is directed to appear before the trial Court on the next date fixed before it i.e. 10.07.2024 and it is ordered that on his doing so, the trial Court shall release him on interim bail, subject to his furnishing personal and surety bonds to its satisfaction.

3. Learned counsel for the petitioner has also placed on record a copy of order dated 10.07.2024 showing that the petitioner had appeared before the learned trial Court and has been ordered to be released on interim bail.

4. Status report has been filed by respondent-State. The same is taken on record. Learned State counsel further stated that the petitioner has been ordered



the complainant/prosecution under Section 319 Cr.P.C. even he is not named in the FIR. 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 05.07.2024 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.

07.08.2024
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> |