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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-38269-2024 in/and
CRM-M-45734-2024
Date of Decision: 30.09.2024**Sukhwinder Singh alias Kulwinder Singh
alias Mahla

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Kulwinder Singh, Advocate
for the applicant-petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)**CRM-38269-2024**

1. Application is allowed as prayed for. Annexure P-10 is taken on record.

CRM-M-45734-2024

1. In compliance of order dated 16.09.2024, passed by this Court, status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Mansa, District Mansa has been filed by learned State counsel in Court today and the same is taken on record.

2. The petitioner has filed the instant petition under Section 438 of the Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.406 dated 23.12.2023 registered under Sections 323, 324, 308, 341, 379-B, 506, 34 of IPC (offence under Section 34 IPC has been deleted) (later on Sections 325,



395, 397, 201, 148, 149 of IPC added) at Police Station Sadar Mansa, District Mansa.

3. Learned counsel for the petitioner contends that initially, the FIR was registered under Sections 323, 324, 308, 341, 379-B, 506 and 34 of IPC. The petitioner was applied for regular bail before the Court of Additional Sessions Judge, Mansa and the prayer was accepted by the Court vide order dated 06.05.2024 (Annexure P-2). He further contends that after sometime, the offences under Sections 201, 395, 397 of IPC were added without any other incriminating evidence. Learned counsel has further relied upon the orders (Annexures P-3 to P-6) passed by the trial Court, whereby the similarly placed co-accused have been granted the benefit of bail. As per him, the petitioner has already been granted the concession of regular bail by the trial Court. Thus, no purpose will be served by keeping the petitioner behind bars.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. In the present case, the petitioner was earlier granted the concession of regular bail by the trial Court on 06.05.2024. Thereafter, the offences under Sections 201, 395, 397 of IPC were added by the police during the course of investigation. Apart from that, other similarly placed co-accused have also been granted the concession of interim anticipatory bail by the trial



Court. Thus, the custodial interrogation of the petitioner will not be required in the present case.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard.

30.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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