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(2010) 08 P&H CK 0387

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-20754 of 2010 (O and M)

Shiv Kumar APPELLANT

Vs

State of Punjab RESPONDENT

Date of Decision: Aug. 30, 2010

Acts Referred:
Criminal Procedure Code, 1973 (CrPC) â€" Section 438, 438(2)#Penal Code, 1860 (IPC) â€" Section 120B, 148, 149, 307, 323

Citation: (2010) 08 P&H CK 0387

Hon'ble Judges: Ram Chand Gupta, J

Bench: Single Bench

Judgement

Ram Chand Gupta, J.
The present petition has been filed for anticipatory bail u/s 438 of Code of Criminal Procedure in FIR No. 125

dated 04.10.2009, registered under Sections 307/323/324/148/149/120-B IPC, registered at Police Station Division No. 7, Jalandhar.

2. I have heard learned Counsel for the parties and have gone through the whole record.

3. This Court while issuing notice of motion on 28.07.2010 passed the following order:

Crl.M. No. 36658 of 2010

Application is allowed subject to all just exceptions.

Crl.M. No. M-20754 of 2010

Argues that it is a case of version and cross version and FIR was registered on the version given by petitioner himself, however, cross case has

been registered against the petitioner and others. Further argues that no injury has been attributed to the petitioner. Further argues that similarly

placed co-accused -Mehanga Ram has already been granted anticipatory bail by this Court in Crl.M. No. M-17885 of 2010.

Notice of motion for 28.8.2010.

However, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his

satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

4. It has been stated by learned Counsel for the petitioner that he has already joined the investigation pursuant to said order dated 28.07.2010.

5. It has also been stated by learned Counsel for the State that petitioner has joined the investigation and that he is no more required for any

custodial interrogation.

6. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true

facts in the Court, if released on bail.

7. Hence, in view of these facts and without expressing any opinion on the merits of the case, the anticipatory bail application filed on behalf of Shiv

Kumar, is accepted and order dated 28.07.2010 granting interim bail in favour of the petitioner is, hereby, made absolute subject to compliance of

conditions specified u/s 438(2) Cr.P.C.

8. The present petition stands disposed of accordingly.