

(2013) 10 P&H CK 0335

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-31129 of 2013

Fateh Singh

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Oct. 8, 2013

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Kamaldip Singh Sidhu, for the Appellant; Sagar Deswal, Asstt. Advocate General, for the Respondent

Judgement

Mehinder Singh Sullar, J.

Petitioner-Fateh Singh son of Sahab Singh, has preferred the instant petition for the grant of anticipatory bail in a case registered against him, vide FIR No. 74 dated 27.07.2013, on accusation of having committed the offences punishable under Sections 323, 307, 285 and 336 read with Section 34 IPC and Sections 25, 27 and 29 of the Arms Act, by the police of Police Station Siwan, District Kaithal, invoking the provisions of Section 438 Cr.P.C. Notice of the petition was issued to the State.

2. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

3. During the course of preliminary hearing, the following order was passed by this Court on September 18, 2013:-

Learned counsel, inter alia, contended that in fact complainant Joga Singh, has snatched .32 bore gun of the petitioner. Instead of taking action against the complainant, the police has registered a false case against the petitioner, in order to wreak vengeance. The argument is that Ravinder Singh son of Sukha Singh, has filed a representation (Annexure P-1) and affidavit (Annexure P-2), to the Superintendent of Police, for proper investigation of the case.

Heard.

Notice of motion be issued to the respondent, returnable for 08.10.2013.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.

4. At the very outset, on instructions from SI Ved Parkash, learned State Counsel has acknowledged the factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report (challan) against the petitioner, so, the final conclusion of trial will naturally take a long time. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner by this Court, by virtue of order dated September 18, 2013, is hereby made absolute, subject to the compliance of the conditions, as contemplated u/s 438(2) Cr.P.C.

Needless to mention that, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this respect.