
(2013) 05 P&H CK 0098

In the Punjab And Haryana At Chandigarh

Case No : C.R.M. No. M-7236 of 2013 (O and M)

Ajwinder Singh @ Avjinder Singh @ Kala and Another

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 09-05-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 160, 336

Citation : (2013) 3 Crimes 217

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Advocate : Deepinder Brar, for the Appellant; K.S. Aulakh, AAG, Punjab, for the Respondent

Judgement

Mehinder Singh Sullar, J.—At the very outset, learned State counsel has submitted the report to the effect that Ajwinder Singh @ Avjinder Singh @ Kala (petitioner No. 1) is habitual offender and is involved in four other serious criminal cases. Faced with the situation, learned counsel intends to withdraw the present petition on his behalf.

2. Dismissed as withdrawn, as prayed for.

3. Be that as it may, Varinder Singh @ Bindu Grewal son of Sarabjit Singh (petitioner No. 2) has preferred the instant petition for anticipatory bail in a case registered against him and his other co-accused by means of FIR No. 139 dated 23.8.2011, for commission of offences punishable under Sections 336, 160, 506, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act (an offence punishable u/s 427 IPC was added and offence punishable u/s 160 IPC was later on deleted), by the police of Police Station Sadar Ludhiana, District Ludhiana City, invoking Section 438 Cr.P.C.

4. Notice of the petition was issued to the State.

5. 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 instant petition for anticipatory bail deserves to be partly accepted in this context.

6. It is not a matter of dispute that the name of Varinder Singh (petitioner No. 2) is riot mentioned in the FIR. He was subsequently involved in the present case on the statement of PW Harmandeep Singh that he (petitioner No. 2) alongwith his other co-accused attacked the complainant party. No specific role or overt act is attributed to him. There is no history of his previous involvement in any other criminal case. Even the prosecution has not submitted the final police report (challan). Moreover, all the offences alleged against the accused are triable by the Court of Magistrate, so, the conclusion of the trial will naturally take a long time.

7. Moreover, interim anticipatory bail was granted to Varinder Singh (petitioner No. 2) to enable him to join investigation, by this Court vide order dated 04.03.2013. At this stage, learned State counsel on instructions from Balbir Singh, has stated that petitioner No. 2 has already joined the investigation. He is no longer required for further interrogation, at this stage.

8. In the light of the aforesaid reasons, taking into consideration the totality of the facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of the trial of the case, the instant petition for anticipatory bail is partly accepted. The petition relatable to petitioner No. 1 is dismissed as withdrawn, whereas, interim anticipatory bail granted to petitioner No. 2 vide order dated 04.03.2013 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, petitioner No. 2 does not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of his bail, in this context.