

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14732-2017

Date of decision: 04.08.2017

Saqib Ali Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mohd. Yousf, Advocate,
for the petitioner.

Mr. Abhay Pal Singh Gill, Asstt. A.G., Punjab.

JAISHREE THAKUR, J. (ORAL)

The instant petition under Section 438 Cr.P.C. has been filed by the petitioner for grant of anticipatory bail in case FIR No. 12 dated 04.02.2017 under Sections 323, 341, 509 IPC, registered at Police Station City-II, Malerkotla, District Sangrur.

This Court was pleased to pass the following order on 28.04.2017 :-

“Counsel for the petitioner, inter alia, contends that the complainant is the daughter of a sitting Member of Legislative Assembly and a Minister in the Government of ruling Congress party. Initially, the FIR was registered for offence punishable under Sections 323, 341 and 509 of the Indian Penal Code but later offence under Section 354 IPC has been added in order to aggravate culpability of the petitioner and to make the case non-bailable for the added offence. It is further submitted that the petitioner is a Municipal Councillor, belonging to the erstwhile ruling party i.e. Akali Dal. It is further submitted that

the present FIR is the result of political vendetta when otherwise, it would be highly difficult for the petitioner to slap the complainant in the presence of various other persons, who allegedly accompanied her at the alleged place of occurrence on 03.02.2017 at about 10.30 pm when voting in the State of Punjab was scheduled to be held on 04.02.2017.

Notice of motion for 04.08.2017.

In the meantime, the petitioner is directed to join investigation within ten days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer, subject to the following conditions:-

- i) he shall make himself available for interrogation by a police officer as and when required;*
- ii) he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- iii) he shall not leave India without previous permission of the Court.”*

Learned counsel for the petitioner submits that pursuant to the order dated 28.04.2017, the petitioner has joined investigation.

Learned counsel appearing on behalf of the respondent-State raises strenuous objection to confirmation of the interim order so passed, however, is not able to dispute the fact that he has joined the investigation.

Since, initially FIR was registered for offence punishable under Sections 323, 341 and 509 IPC and offence under Section 354 IPC being added later, no recoveries are to be made, the petition is allowed and interim order dated 28.04.2017 is hereby made absolute subject to the condition that

the petitioner will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation and will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

04.08.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.