

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-36952-2016

Date of Decision: 28.02.2017

Lalit Kumar

.....Petitioner

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. K.S. Dadwal, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

Mr. Sumit Jain, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

In response to notice issued, learned State counsel has filed in Court today an affidavit of Dr. S. Boopathi, IPS, Senior Superintendent of Police, Patiala, to the effect that the inquiry report submitted by the Deputy Superintendent of Police has been accepted by the Senior Superintendent of Police and the petitioner has not produced any proof of his innocence. The same is taken on record.

However, on query, learned counsel for the State, on instructions from ASI Nishan Singh, who is present in Court to assist him, submits that the petitioner has joined investigation and presently his custodial interrogation is not required.

Mr. Sumit Jain, learned counsel for respondent no. 3, i.e. the

District Administrator, Markfed, Patiala, submits that he would like to place

on record certain material, being the complainant in the case.

It is to be noticed that respondent no. 3, i.e. the District Administrator, Markfed, Patiala, had been impleaded suo motu by this Court to determine as to whether what the petitioner has stated, as recorded in the aforesaid order dated 30.01.2017, was correct or incorrect.

However, this being a petition seeking anticipatory bail by the petitioner and not seeking quashing of the FIR, any further information which the complainant wishes to supply in respect of the petitioners alleged involvement in the offence, would not be necessary to be given in this petition but to the investigating agency, there being no petition brought to the notice of this Court by which quashing of the FIR has been sought.

Consequently, with the investigating agency itself not requiring the custodial interrogation of the petitioner, at this stage, the order dated 30.01.2017 is made absolute, on the same terms and conditions.

It is made clear that the order being made absolute would obviously not be a bar on any kind of further investigation that is required to be conducted, either against the petitioner or otherwise, and in any change of circumstance, obviously the prosecution would be within its right to seek cancellation of bail in appropriate circumstances.

The petition is disposed of accordingly.

(AMOL RATTAN SINGH)
JUDGE

February 28, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

No.