

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

**CRM-M No. 20837 of 2019
Date of Decision:-02.09.2019**

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case DDR No.21 dated 23.7.2018, under Sections 323, 324, 326, 148, 149 IPC in FIR No.63 dated 05.6.2018, under Sections 324, 323, 34 IPC (offence under Section 326 IPC added later on), registered at Police Station Sarhali, District Tarn Taran. The petitioner apprehend his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the

petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that petitioner-Avtar Singh is complainant in FIR No.63 dated 05.06.2018 registered under Sections 324 and 323 read with Section 34 of Indian Penal Code, who has been falsely indicted in cross version and the same has been got recorded after a delay of 15 days. The civil dispute between the parties is also pending. According to him, custodial interrogation of the petitioner may not be necessary in the given facts. He further contends that the co-accused, namely, Baljinder Singh has already been granted bail.

Notice of motion for 02.09.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Sarwan Singh does not dispute this fact that the petitioner has joined the investigation.

Learned counsel on instructions from ASI Sarwan Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.5.2019 is made absolute.

The petition stands allowed.

September 02, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No