

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-22656 of 2019

Date of Decision: October 03, 2019

Mahant Dharam Dass

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. L.S. Sidhu, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Vaibhav Narang, Advocate for the complainant.

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 FIR No.95 dated 29.08.2016 under Sections 302, 506, 34 of IPC and Sections 25/27 of the Arms Act registered at Police Station Lopoke, District Amritsar Rural. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.05.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned Senior counsel appearing on behalf of the petitioner contends that one Parkash Muni died on 18.11.2014 as a result of gunshot injury and inquest proceedings were carried through DDR No.28 dated 18.11.2014. The statement of Baldev Singh was recorded during those proceedings who

had reported the matter to the Police and it was taken to be a case of suicide. It is contended that the FIR No.95 was recorded on 29.08.2016 at the instance of Mahant Triveni Dass who is claiming himself to be successor of alleged dera where the deceased was working as a Head. It is pointed out that after registration of the FIR, the matter was investigated thoroughly and the petitioner and others were associated in the investigation.

The attention of the Court is invited to the reply dated 07.10.2017 filed by Senior Superintendent of Police, District Amritsar, filed in response to COCP No.91 of 2017 brought by complainant based on violation of the directions of this Court, in CRM-M-40515-2016, wherein it was clearly mentioned that the petitioner Mahant Dharam Dass was not present at the spot who had joined the investigation and nothing incriminating was found against him. As per the findings in the reply, it was further highlighted that there is not an iota of evidence against the nominated accused of the alleged occurrence though the accused were described as suspects even at that stage. According to learned Senior counsel, it is not in dispute that the petitioner has already joined the investigation and his custodial interrogation may not be necessary.

Notice of motion for 03.10.2019.

At this stage, Mr. Vaibhav Narang, Advocate appears on behalf of complainant and filed his power of attorney.

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 Jatinder does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Jatinder further states that the petitioner is not required for custodial interrogation. He on instructions states that after completion of investigation a cancellation report was filed before the competent Court.

Mr. Vaibhav Narang, Advocate for the complainant states that despite filing the cancellation report, the Court has taken cognizance against accused and opposes the prayer.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.05.2019 is made absolute.

October 03, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No