

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

211

CRM-M-976-2020

Date of decision: 25.02.2020

Kashish Duggal @ Kaka Kirch

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.55 dated 25.05.2019 registered under Sections 452, 427, 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station Mohkampura, District Amritsar.

The above-said FIR was registered on the statement of Pooja who in her statement alleged that on 19.05.2019 about 9:30 p.m. accused-Kashish @ Kaka Kirch along with two more boys entered into her house. Accused-Kashish @ Kaka Kirch was holding a pistol like weapon in his hand and his accomplices were having swords. They started abusing her and her family members. They threatened to kill Bhanoo, son of her brother-in-law. They started ransacking the house, breaking window panes and doors etc. When she and her family members tried to stop them they threatened to eliminate them and fled from the spot.

While issuing notice of motion vide order dated 13.01.2020 passed by this Court, the petitioner was granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the the petitioner has been falsely implicated in the present case. The petitioner has joined the investigation. His custodial interrogation is not required.

On the other hand, learned Sate Counsel has submitted that in view of gravity of offences, the petitioner does not deserves grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from Investigating Officer, acknowledged that in compliance with order dated 13.01.2020 passed by this Court, the petitioner has joined the investigation and admitted that his custodial interrogation is not required.

In view of the facts and circumstances of the case, nature of accusation, the fact that custodial interrogation of the petitioner is not required in the case and also the fact that investigation and trial are likely to take long time but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 13.01.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

25.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No