

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

CRM-M-11091-2020 (O&M)

Date of Decision: 10.09.2020

Gurbhej Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. I.S. Dhaliwal, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.0014, dated 30.01.2020, under Sections 323/324/34 IPC (Section 326 IPC added later on), registered at Police Station Kabarwala, District Shri Muktsar Sahib.

While issuing notice of motion, the following order was passed by this Court on 17.03.2020:

“This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.14 dated 30.01.2020 under Sections 323 and 324 IPC (Section 326 IPC added lateron) read with Section 34 IPC, registered at Police Station Kabarwala, District Shri Muktsar Sahib.

Learned counsel for petitioner at the very outset submits that petitioner has no nexus whatsoever with the alleged offence as at the relevant time as mentioned in the FIR, he was present at his work place at Northern Transport Limited, Abohar where he is working as Checker and to this effect he has placed on record photocopy of certificate dated NIL issued by Manager, M/s Northern Travels, Malaut.

Notice of motion.

At the asking of Court, Mr. Harbir Sandhu, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to furnish detailed report especially to verify the above said aspect of presence of petitioner at his work place on 24.01.2020. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 24.03.2020.”

Subsequently, on 22.07.2020, order passed by this Court was to the following effect:

“CRM-16168-2020

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

In view of the averments made in the application and by recording a no objection from learned State counsel, prayer is allowed. The date in the main petition is preponed from 24.09.2020 and the same is taken up on board today itself.

Application disposed of.

Main case

In furtherance of the notice of motion order dated 17.03.2020, learned State counsel upon instructions from SI Rashpal Singh, informs the Court that upon checking of the call records/tower location etc.it has been found by the Investigating Agency that the petitioner at the relevant time of commission of the alleged offence and as mentioned in the FIR,

was indeed present at his work place i.e. Northern Transport Limited, Abohar.

This lends credence to the submission that had been advanced by counsel for the petitioner and noticed by the Coordinate Bench while issuing notice of motion.

List on 10.09.2020.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from SI Gurlal Singh informs the Court that the the petitioner has since joined investigation and is not required for any custodial interrogation.

In view of the above, petition is allowed.

Order dated 22.07.2020 passed by this Court is made absolute.

10.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |