

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-12478 of 2020

Date of Decision : -05.08.2020

Kulwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, Assistant Advocate General, Punjab.

(through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No. 82 dated 16.04.2020, under Sections 353, 186, 188, 269, 270 IPC, registered at Police Station Mahilpur, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 18.05.2020. Order dated 18.05.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No. 82 dated 16.04.2020, under Sections 353, 186, 188, 269, 270 IPC registered at Police Station Mahilpur, District Hoshiarpur.

As per the allegations in the FIR, petitioner was to remain under quarantine, which was not adhered by the petitioner and for violation of the said order of quarantine, the present FIR has been registered.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the case due to political rivalry on the allegation that he has violated the terms of the lockdown. Learned counsel for the petitioner submits that the petitioner has already made representation to the SDM dated 16.04.2020 (Annexure P-3) in that regard and the competent authority marked an enquiry and the said enquiry is still pending and, therefore, petitioner is entitled for the grant of benefit of interim bail.

Notice of motion.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who has joined the video proceedings, on service of advance copy of petition, accepts notice on behalf of State of Punjab.

Learned State counsel is directed to place on record the outcome of the representation/enquiry, which according to the petitioner has been conducted by the SDM upon his representation dated 16.04.2020 (Annexure P-3).

Adjourned to 05.08.2020.

In the meantime, petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) He shall not, directly or indirectly, make any*

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) *That he shall not leave India without prior permission of the Court.*

(iv) *That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Vijender Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 18.05.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 05, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No