

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12554-2020 (O&M)

Date of decision: 19.08.2020

Deepak Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.85 dated 02.05.2020 under Sections 420, 265, 266 IPC and 7 of the Essential Commodities Act, registered at Police Station Dinanagar, District Gurdaspur.

While granting interim bail to the petitioner, following order was passed by this Court on 20.05.2020: -

“...Counsel for the petitioner has argued that as per the allegations in the FIR, which is registered on the complaint given by A.F.S.O., it is stated that the father of the petitioner is holding a licence of Ration Depot in Dinanagar and one Vishal had made a complaint that there are number of irregularities regarding less

ration and not maintaining proper weighing machine. It is further submitted that thereafter, a raid was conducted and on the basis of the same, the FIR was registered with the allegation that the petitioner is also working with his father on the Ration Depot. A perusal of the FIR show that there is no allegation of conspiracy between the petitioner and his father, who is a running the Ration Depot. Counsel for the petitioner has further submitted that the offence under Sections 265 and 266 IPC as well as Section 7 of the Essential Commodities Act, are bailable and there is no allegation against the petitioner qua the offence under Section 420 IPC. It is also submitted that, in fact, he is a reporter of a local newspaper and has published certain articles against the local MLA and on that account, his name has been implicated in the FIR.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, who is appearing through video conferencing, accepts notice on behalf of the State.

Counsel for the State has argued that it has come in the FIR and the investigation that both the father and son, were working together in the Ration Depot and statement of some of the witnesses have already been recorded....”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed that the petitioner has joined the investigation, however, he is still required for further investigation.

Learned counsel for the complainant has made a similar submission.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.05.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

It will be open for the Investigating Officer to issue a notice under Section 438 (2) Cr.P.C. directing the petitioner to join the investigation.

[ARVIND SINGH SANGWAN]
JUDGE

19.08.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No