

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201-3)

CRM No. M-15128 of 2020
Date of Decision : 01.07.2020

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Joginder Pal Singh Ratra, DAG, Punjab.

Mr. Loveneet Thakur, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

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

The petitioner is seeking anticipatory bail in FIR No. 53 dated 11.05.2020, under Sections 324, 323, 452, 506, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 15.06.2020. Order dated 15.06.2020 is as under:-

“This matter is being taken up for hearing through video

conference/WhatsApp due to the pandemic COVID-19.

Mr. Sethi contends that the petitioner has been falsely implicated. He submits that this is a case of version and cross-version. He further submits that the complainant party is the aggressor, who attacked on the house of the petitioner and gave beatings to them. He submits that co-accused, namely, Gagandeep Singh and Balwinder Singh have already been granted the concession of interim bail vide order dated 29.05.2020 and 08.06.2020 passed in CRM-M-13247 of 2020 and CRM-M-14209 of 2020 respectively. He further submits that though the petitioners have no nexus with the allegations as leveled in the FIR, even then he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Issue: Notice of motion.

Since advance copy of the petition stands already served, Mr. Sandeep Vermani, Addl. AG, Punjab accepts notice on behalf of the respondent State, while Mr. Navneet Thakur, Advocate, appears on behalf of the complainant. Mr. Thakur strongly opposed the application on the ground that specific role has been attributed to the petitioner that he was armed with kirpan (sword) and had given two blows on the head of the complainant. Mr. Vermani and Mr. Thakur may file their respective replies, if they wish.

List on 01.07.2020.

In the meanwhile, petitioner shall appear before the Investigating Officer/Arresting Officer as and when required and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. Petitioner shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Satwinder 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 15.06.2020 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 police that petitioner is required for the investigation but is not co-operating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 01, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No