

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

202

CRM-M-16844-2020

Date of decision: 02.11.2020

Prince

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Deepak Nayyar, Advocate for
Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.219 dated 04.11.2019 registered at Police Station Civil Line Batala, District Batala under Sections 324, 379 and 341 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC") to which Sections 379-B and 326 of the IPC were added lateron.

While issuing notice of motion on 29.06.2020, Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

"Case is taken up for hearing through video

conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 219 dated 04.11.2019 registered under Section 324, 379, 341, 34 IPC and Sections 379-B and 326 IPC were added later on, at Police Station Civil Line Batala, District Batala.

Learned counsel for the petitioner states that neither the petitioner has been named in the FIR, nor any injury has been attributed to him. Coaccused Parambir Singh @ Param has been granted bail, vide order dated 03.03.2020 (Annexure P-2).

Notice of motion for 08.09.2020.

On the asking of this Court, Mr. Ajay Pal Singh Gill, DAG Punjab accepts notice on behalf of the respondent-State and has not disputed the fact that no injury has been attributed to the petitioner and co-accused has been granted bail.

In view of the above, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure."

The petition has been opposed by the learned State counsel. However, no reply has been filed by the respondent-State.

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

Learned counsel for the petitioner has while reiterating the submissions made on 29.06.2020 submitted that in compliance with order dated 29.06.2020, the petitioner has joined the investigation.

Learned State counsel has vehemently opposed the petition

and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State counsel has, on instructions from SI Amrit Pal Singh, acknowledged that in compliance with order dated 29.06.2020 passed by Coordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

Therefore, the petition is allowed and order dated 29.06.2020 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.

02.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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