

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19403-2020(O&M)
Date of decision: 25.08.2020

Rinku

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.A.S.Gill, Advocate for the petitioner
Mr. Dhruv Dayal, Sr. DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 20.07.2020, the following order was passed by this

Court:-

“Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

Prayer in the petitioner under Section 438 CrPC is for grant of anticipatory bail to the petitioner in case FIR No.106, dated 03.07.2017 under Sections 420, 409, 406, 120-B IPC (subsequently Section 409 was deleted and was substituted by Section 407 IPC) registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel contends that the application for pre-arrest bail was dismissed by the learned Sessions Judge, Sri Muktsar Sahib, Annexure P/2 dated 20.07.2017. However, later the petitioner learnt that his name had been dropped as accused and it was only about a week ago that the petitioner learnt that he was still accused as the police raided his house after three years of registration of the FIR to arrest him. Learned counsel contends that the petitioner is merely a labourer and is neither the driver nor owner of the truck used in the commission of the offence.

Notice of motion.

Mr. Bhupender Beniwal, AAG, Punjab accepts notice on behalf of the respondent and

requests for time to file reply and to argue the case.

List on **25.08.2020**.

In the meantime, the petitioner shall join investigation as and when called upon to do so by the Investigating Officer and in any case within ten days from today and shall fully cooperate in the investigation. In the event of his arrest, the petitioner be released on ad-interim pre-arrest bail subject to his furnishing bail bonds/surety to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C., failing which the interim protection granted to him shall stand vacated.”

Learned State counsel on instructions from SI Tarlok Chand, has submitted that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation.

In view of the above, order dated 20.7.2020 is hereby made absolute.

Petition stands allowed.

25.08.2020

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No