

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19534 of 2020
Date of Decision : 07.09.2020

Jaswinder Singh Khosa

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Singh Sangwan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.138 dated 28.06.2020 under Sections 452, 506, 323, 34, IPC (later on added Section 354 IPC and Sections 30,54,59 of Arms Act) registered at Police Station Kotbhai, District Sri Muktsar Sahib (Punjab).

Learned counsel for the petitioner contends that the petitioner was granted benefit of anticipatory bail by this Court vide order dated 04.08.2020 and, thereafter, keeping in view the order passed by this Court on 17.08.2020, the petitioner was to join and cooperate in the investigations. Order dated 04.08.2020 is as under:-

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

Learned counsel contends that the petitioner, as well as the complainant besides the complainant's sister-in-law were candidates for election as Sarpanch of village Khirkianwala in the year 2018. The candidature of the petitioner was cancelled whereupon the petitioner filed CWP No.777 of 2019 and the same was disposed of by granting liberty to the petitioner to file election petition. The complainant's *bhabhi* in the meantime was elected as Sarpanch and the election petition filed by the petitioner is pending before the SDM, Gidderbaha and it is with a view to exert pressure on the petitioner to withdraw the election petition that a false complaint has been registered against the petitioner, as well as his son whereas his son has been exonerated by the police during investigation.

Complainant in the present case is not a party. In the interest of justice, complainant is ordered to be impleaded as respondent No.2. Memo of parties be amended, accordingly.

Notice of motion.

Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of the respondent/State.

Issue notice to newly impleaded respondent No.2 for 17.08.2020.

In the meantime, arrest of the petitioner is *stayed*, till the next date."

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jagdish Singh Police Station Kotbhai, District Sri Muktsar Sahib, 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 04.08.2020 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.

September 07, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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