

**Date of Decision : 11.08.2020**

**...Petitioner**

## Versus

## ...Respondent

**(Through video conferencing)**

Present: Mr. Vikasdeep Singh, Advocate  
for the petitioner.

Ms. Bhawna Gupta, DAG, Punjab.

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*Harsimran Singh Sethi, J. (Oral)*

Petitioner is seeking anticipatory bail in FIR No.22 dated 30.06.2019, under Sections 323, 324, 452, 148, 149, 326 IPC registered at Police Station Kabirpur, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 24.07.2020. Order dated 24.07.2020 is as under:-

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

Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.22 dated 30.06.2019, under Sections 323, 324, 452, 148, 149 and 326 IPC, registered at Police Station Kabirpur, District Kapurthala.

Learned counsel for the petitioner submits that petitioner was granted the concession of anticipatory bail by the learned Additional Sessions Judge,

Kapurthala, vide order dated 13.03.2020 and he was directed to join and cooperate the investigation before the police within a period of five days. Learned counsel for the petitioner further submits that due to mis-communication, the said order was never conveyed to the petitioner. Though, again vide order dated 19.03.2020, another period of three days was granted to the petitioner to join the investigation, but again due to mis-communication between the petitioner and his lawyer, petitioner could not join the investigation. Thereafter, once again on 16.05.2020, petitioner was granted two days time to join the investigation, but as he did not join the same, ultimately, petition filed by the petitioner seeking concession of bail was dismissed by the learned Additional Sessions Judge, Kapurthala, vide order dated 21.05.2020 (Annexure P-1).

Learned counsel for the petitioner argues that petitioner could not join the investigation due to mis-communication between him and his counsel coupled with the Covid-19 pandemic situation, wherein the Lockdown was imposed by the State of Punjab. Learned counsel for the petitioner undertakes that the petitioner will immediately join and cooperate in the investigation without any fail.

Notice of motion for 11.08.2020.

Mr. Jagmohan S. Ghuman, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that petitioner did not comply with the directions of joining the investigation more than once and therefore, he himself is to be blamed for the cancellation of the bail.

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

From the reading of the averments made in the petition, it is clear that though the petitioner was granted the concession of bail by the learned Additional Sessions Judge, Kapurthala, vide order dated 13.03.2020 and was granted three opportunities to join the investigation, but he did not do so and he is taking shelter behind the mis-communication between himself and his counsel.

Be that as it may, it is the petitioner, who is to be blamed for the rejection of his bail application by the learned Additional Sessions Judge, Kapurthala, vide order dated 21.05.2020.

Keeping in view the fact that no recovery is effected from the petitioner, except a '*danda*', which is alleged to have been used by the petitioner for inflicting the injuries, he is allowed the concession of anticipatory bail and he is directed to join the investigation forthwith, but not later than a week from today.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his satisfaction subject to the following conditions:-

- “(i) That he shall make himself available for interrogation by the police officer as and when required.
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That he shall not leave India without prior permission of the Court.
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

In case of failure to join the investigation, interim bail granted to the petitioner shall automatically

stands cancelled.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Darshan Lal, 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 24.07.2020 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.

**August 11, 2020**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned :* Yes/No

*Whether reportable :* Yes/No