

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 20576 of 2020

Date of Decision: 21.09. 2020

Balwan Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gaurav Partap Singh Pathania, Advocate
for the petitioner(s).

Mr. V.G.Jauhar, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

On 28.07.2020, the following order was passed by this Court:-

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

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.58 dated 09.06.2020 under Sections 498-A, 506 and 120B IPC and Section 3 of the S.C. & S.T (Prevention of Atrocities) Act, 1989 registered at Police Station Narot Jaimal Singh, District Pathankot.

Learned counsel for the petitioner states that the petitioner is brother-in-law of the husband of the complainant and was serving in Army and was posted outside the State of Punjab. Learned counsel for the petitioner further states that the marriage ceremony during which the incident took place, was not attended by the petitioner and, therefore, the

allegations alleged against the petitioner in the FIR are only to rope him in the present case without there being any substance.

Notice of motion for 21.09.2020.

Mr. S.P.S. Tinna, Additional 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 respondent-State.

Learned State counsel argues that the allegations alleged against the petitioner are very serious in nature but, he does not dispute the factum that the petitioner did not attend the marriage and remained posted outside the State of Punjab.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner remained posted outside the State of Punjab and did not attend the marriage ceremony during which the said incident took place and no specific role has been attributed to the petitioner in the FIR, he has made out a case for the grant of anticipatory bail.

Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in the investigation.

The petitioner is directed to join the investigation forthwith. 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 the satisfaction of the Arresting Officer/Investigating Officer 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.”

Mr. V.G.Jauhar, Senior Deputy Advocate General, Punjab, has submitted that the petitioner has joined investigation, co-operated and not required for further custodial interrogation. He has also submitted that the petitioner is a man of clean criminal antecedents.

In view of the aforesaid facts, the present petition is allowed and interim pre-arrest bail granted to the petitioner by this Court on 28.07.2020 is made absolute.

(Anil Kshetarpal)
Judge

September 21, 2020
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No