

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22226-2020

Date of Decision: 02.12.2020

Harpal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S.Jammu, Advocate,
for the petitioner.

Mr. Saurabh Khurana, DAG, Punjab
for the respondent-State.

Mr. Munish Bansal, Advocate,
the the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for the grant of anticipatory bail in FIR No.99 dated 19.07.2020, under Sections 376 and 506 of the Indian Penal Code, registered at Police Station Raman, District Bathinda.

On 10.08.2020, this Court had directed that in the meantime, the petitioner, who is a Government employee, shall not be arrested and on 19.08.2020, the petitioner was granted interim protection by this Court subject to the fulfilment the conditions laid down in Section 438(2) Cr.P.C. The petitioner has submitted that in the present case, reply has been filed by the Deputy Superintendent of Police, Talwandi Sabo, on behalf of respondent-State. He has pointed out to para No.6 of the reply in which it is stated that the Investigating Officer (S.P Special Branch, Bathinda) has recommended filing

of the cancellation report in this case and further in para No.7 of the affidavit, it has been stated that the Senior Superintendent of Police, Bathinda, has approved the investigation report submitted by the Superintendent of Police (Special Branch) Bathinda and directed the S.H.O to act in accordance with law.

The learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and thereafter, on the investigation done by the police, he has been found to be not guilty, in view of the affidavit, which has been submitted by the State.

Mr. Saurabh Khurana, DAG, Punjab, on instructions from ASI Nirmal Singh, has stated that it is correct that the police has already approved the cancellation report against the petitioner and even otherwise, also the petitioner had joined the investigation in the present case and he is not required for custodial investigation.

Mr. Munish Bansal, Advocate, who has caused appearance on behalf of the complainant, has submitted that the report has not been finally submitted to the Court and therefore, has opposed the grant of interim bail to the petitioner.

I have heard learned counsel for the parties.

The present case pertains to the prayer for grant of interim bail to the petitioner. The stand of the State in the present case is that in the investigation, the petitioner has not been found guilty by the police and Superintendent of Police (Special Branch) has recommended the cancellation of the report and the Senior Superintendent of Police, Bathinda, has already approved the cancellation of FIR and further due process would be taken in accordance with law. It is specific stand of the State that the police is not

required for custodial investigation.

In view of the above, the present petition is allowed. Order dated 19.08.2020, wherein interim protection was granted to the petitioner, is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

02.12.2020
adhikari

Whether speaking/non-speaking	:	Yes/No
Whether reportable	:	Yes/No