

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

212

CRM-M-23802-2020
Date of decision: 05.11.2020

Baldev Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prabhdeep Singh Bhandari, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asstt. A.G., Punjab
for the respondent-State.

Mr. Inderjeet Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.0085 dated 13.07.2020 registered under Sections 323, 341, 148, 149, 342, 379-B and 506 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Sadar Jalalabad, Tehsil Jalalabad, District Fazilka.

While issuing notice of motion on 21.08.2020, Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

"Present petition has been filed under Section 438 of

the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 0085 dated 13.07.2020, under Sections 323, 341, 148, 149, 342, 379-B, 506 IPC, 1860 registered at Police Station Sadar Jalalabad, Tehsil Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that all the offences are bailable except Section 379-B IPC and as per the allegations alleged in the FIR, the snatching is only attributed to one Sh. Kuldeep Singh @ Ravi and not to the petitioner and that being so, petitioner is entitled for the grant of anticipatory bail.

Notice of motion.

Mr. Bhupender Beniwal, A.A.G., 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 and Mr. Inderjeet Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned counsel for the complainant submits that there was a group of persons, who snatched the items from the complainant and, therefore, the petitioner cannot be exonerated on the allegations of snatching.

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

Once, the allegation of snatching has been alleged against one Kuldeep Singh @ Ravi only and no allegation of snatching is attributed to the petitioner in the FIR, petitioner has made out a case for the grant of anticipatory bail.

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 his/her satisfaction subject to the following conditions :

(i) That he shall make themselves 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.

Adjourned to 05.11.2020.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed."

The petition has been opposed by the learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State or the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has while reiterating the submissions made on 21.08.2020 submitted that in compliance with order dated 21.08.2020, the petitioner has joined the investigation.

Learned State Counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of

anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Satnam Dass, acknowledged that in compliance with order dated 21.08.2020 passed by Coordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 21.08.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

05.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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