

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
206

CRM-M-24215-2020
Date of Decision: 23.11.2020

MUKESH RAI BAMBA

....Petitioner

VS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep S.Majithia, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 196 dated 01.08.2020, under Section 353, 186, 506 of IPC 1860 registered at Police Station B-Division, Police Commissionerate Amritsar. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 25.08.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner inter alia submits that false implication can not be ruled out as the FIR was registered after a delay of two days. No recovery is to be effected and, thus, custodial interrogation is not necessary.

Notice of motion for 23.11.2020.

Mr. Ramdeep Partap Singh, DAG Punjab, accepts notice on behalf of the respondent-State and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on

07.09.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Sukhwinder Kumar, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 25.08.2020 is made absolute.

23.11.2020
monika*

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No