

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-26787 of 2020 (O&M)

Date of Decision: 17.11.2020

Rachpal Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Bikramjeet Singh Jatana, Advocate
Mr. H.S. Maan, Advocate
for the petitioner.

Mr. P.S. Walia, AAG, Punjab.

Mr. Harbhajan Singh Dhandi, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Criminal Misc. No.23849 of 2020:

The application is allowed, as prayed. Annexure P-5 is taken on record.

Criminal Misc. No.M-26787 of 2020:

Prayer in this petition filed under Section 438 CrPC is for grant of anticipatory bail to the petitioner in case FIR No.163 dated 30.07.2020 under Sections 354, 506, 34 IPC and Sections 376D, 354C IPC

(added later on) registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner states that pursuant to order dated 22.09.2020 of this Court, the petitioner has joined investigation.

Learned State counsel, on instructions from Insp. Balwinder Singh, does not dispute the fact that the petitioner has joined the investigation and further submits that mobile phone has been recovered and the same has been sent to Forensic Science Laboratory and thus, custodial interrogation of the petitioner is no more required.

However, counsel for the complainant submits that the allegations against the petitioner are serious and therefore, he is not entitled for bail.

I have heard learned counsel for the parties.

No doubt, it is only during trial the culpability of the petitioner will be established, but considering the fact that the petitioner has joined investigation and his custodial interrogation is no more required, the present petition is allowed and the interim order dated 22.09.2020 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

November 17, 2020

AK

(HARI PAL VERMA)

JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No