

212-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26601-2019 (O&M)

Date of decision-26.02.2020

Satnam Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.S.Talwar, Advocate for the petitioner.
Mr. Prabhjot Singh Walia, AAG, Punjab.
Mr. Abhay Kumar Sharma, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.45 dated 14.05.2019 under Section 420 of Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Banur, District Patiala. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 09.07.2019 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 has produced the copy of the order dated 03.06.2019 whereby pre-arrest bail was dismissed by Additional Sessions Judge, Patiala and the same is taken on record. He further placed reliance upon order dated 01.07.2019 in respect of co-accused passed in CRM-M-26723-2019 whereby concession of pre-arrest bail was granted.

Notice of motion for 04.11.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-26723-2019.”

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 counsel for the complainant opposed the prayer of the petitioner.

Learned State counsel who is assisted by ASI Rakesh Kumar does not dispute this fact that the petitioner has joined the investigation and he 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 09.07.2019 is made absolute.

26.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No