

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26809-2019
Date of decision-14.01.2020

Gurdeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. APS Deol, Senior Advocate with
Mr. H.S.Deol, Advocate for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior 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.129 dated 07.08.2018 under Sections 307, 323, 341, 201, 218, 120-B, 148 read with Sections 34 and 149 of Indian Penal Code, 1860 (Sections 326 and 324 IPC added later on) and Sections 27, 54 and 59 of Arms Act, 1959 registered at Police Station City Kotkapura, District Faridkot. 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 02.07.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned Senior counsel appearing on behalf of the petitioner relies upon the order dated 03.04.2019 passed in respect of co-accused (Annexure P-13).

Adjourned to 17.10.2019.

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-15262-2019.”

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 State counsel who is assisted by DSP Vibhore Kumar has vehemently opposed the prayer on the ground that considering the nature of the offence, custodial interrogation of the petitioner is necessary. He submits that since the petitioner was protected therefore, to unravel the truth, his custody is required. However, it is not disputed by learned State counsel that after completion of investigation, final report was submitted on 23.05.2019. After further investigation, the supplementary report has also been submitted on 06.06.2019 against the same accused.

At this stage, learned Senior counsel for the petitioner submits that investigation of the case is complete, therefore, the prayer on behalf of learned State counsel that the custodial interrogation of the petitioner is

required, is without any substance. Learned Senior counsel contends that till date no application was ever moved by prosecution at any stage seeking custody of the petitioner for investigation.

After hearing learned counsel for the parties, this Court finds that in the given facts and circumstances of this case, particularly the fact that the investigation of the case is complete, this is not a fit case for custodial interrogation of the accused.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 02.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

14.01.2020
vanita

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