

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

206

**CRM-M-29522-2020
Date of decision: 10.12.2020**

Parminder Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Lajpat Sharma, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab
for respondent No.1-State.

Mr. Satnam Singh Thakur, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.133 dated 04.07.2020 registered under Sections 458, 324, 427 and 148 read with Section 149 of the Indian Penal Code, 1860 at Police Station Sangat, District Bathinda.

This Court, vide order dated 06.10.2020, had granted interim anticipatory bail to the petitioner with direction to join the investigation.

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

Respondent No.2 has put in appearance through Mr.

Satnam Singh Thakur, Advocate, who undertakes to file his power of

attorney in the registry.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Case involves version and cross-version. General Diary Report No.2 dated 05.07.2020 was registered on statement of the petitioner against the complainant side. In compliance with order dated 06.10.2020, the petitioner has joined the investigation.

Learned State Counsel and learned Counsel for respondent No.2 have vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Charanjit Singh, acknowledged that in compliance with order dated 06.10.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case 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 06.10.2020 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.

10.12.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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