

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-29634-2020

Date of Decision:14.12.2020

Rajinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Navinderjit Singh Dandiwal, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

HARI PAL VERMA, J.(Oral)

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

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.31 dated 16.03.2020 under Section 379-B IPC, Sections 25, 27, 54 of Arms Act, 1959 registered at Police Station Bagha Purana, District Moga.

Vide order dated 12.10.2020, while admitting the petitioner on interim bail, this Court has passed the following order:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Though learned State counsel submits that a reply to the petition has been filed, however it is not record.

Learned counsel for the petitioner submits that though this court had not admitted the petitioner to interim bail on the last date of hearing, however the fact of the matter is that he was declared to be a proclaimed offender only in July 2020, at the peak of the COVID-19 pandemic.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 14.12.2020.”

Learned counsel for the petitioner submits that pursuant to the order dated 12.10.2020 passed by this Court, petitioner has joined the investigation. He further submits that the petitioner was declared proclaimed offender at the time when Covid-19 pandemic was at its peak.

Learned State counsel, on instructions from ASI Sukhdev Singh, does not dispute the aforesaid fact and states that the custodial interrogation of the petitioner is no more required at this stage. However, he submits that the petitioner is involved in another case under the Excise Act.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his

custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 12.10.2020 is made absolute. However, that would be subject to payment of Rs.5,000/- to be deposited by the petitioner with the Bar Association of this Court within one month from today.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

December 14, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No