

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

204

CRM-M-27823-2019

Date of decision : 16.01.2020

Vishal @ Bhola

Petitioner.....

V/s

State of Punjab

Respondent.....

CORAM : HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Arun Kaundal, DAG, Punjab for respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

Prayer in the petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.57 dated 07.06.2019 registered under Sections 379 and 420 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Cantt Ferozepur, District Ferozepur to which Sections 473 and 411 of the IPC were added lateron.

While issuing notice of motion, the petitioner was granted interim bail vide order dated 04.07.2019 by Coordinate Bench of this Court with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was falsely implicated on the basis of secret information. The petitioner has joined the investigation and his custodial interrogation is not required for effecting any recovery.

Learned State Counsel, on instructions from ASI Balwinder Singh, has acknowledged that in compliance with order dated 04.07.2019 passed by this Court, the petitioner joined investigation and submitted that his custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail. Therefore, the petition is allowed and order dated 04.07.2019 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.

16.01.2020

Kothiyal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned Yes

Whether reportable No