

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

205

CRM-M-33430 of 2020

Date of decision:16.11.2020

Harjinder Singh @ Kaka

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Munish Garg, Advocate,
for the petitioner
Mr.Hittan Nehra, Addl.AG, Punjab
Mr.Yashveer Kharab, Advocate,
for the complainant

...

AMOL RATTAN SINGH, J. (Oral)

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.

On 27.10.2020, the following order had been recorded:-

“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.

This is the second petition by which the petitioner seeks the concession of anticipatory bail, upon FIR no.94, dated 24.6.2019, having been registered at Police Station Sadar, Barnala, alleging therein the commission of offences punishable under Sections 458/323/34 of the IPC (with Sections 325/459 of the IPC having been added later on).

Learned counsel for the petitioner submits that though vide an order earlier passed on 15.11.2019, CRM-M-37856 of 2019 filed by the petitioner seeking the same relief of pre-arrest bail was dismissed, however thereafter the matter has been compromised between the petitioner and those on the side of the complainant, the complainant being the petitioners' brother-in-law.

Notice of motion.

Mr.Sidakmeet Sandhu, learned AAG, Punjab, accepts notice at the asking of the court on behalf of the respondent-State, with Mr.Yashveer Kharab, Advocate, appearing for the complainant.

Though Mr.Sandhu denies knowledge of any compromise reached between the parties, Mr.Kharab admits to the same.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within 5 days and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually 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, in terms of the order of this court.

Adjourned to 16.11.2020.”

Today, learned State counsel submits, on instructions from ASI Gurnam Singh, that the petitioner has joined investigation and with a *danda* having been recovered from him, presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days' notice before arrest, duly shown to be served upon him.

It is to be noticed that learned counsel for the complainant appears and does not deny the factum of the compromise reached between the parties.

16.11.2020
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No