

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33034-2019

Date of Decision: 09.01.2020

Gulshan Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. H.S. Batth, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.91 dated 04.07.2019, under Sections 427, 506, 323, 380 and 149 IPC, registered at Police Station Khuian Sarwar, District Abohar. He apprehended his arrest at the hands of Police.

On 29.08.2019, the Court had passed the following order:

“Learned counsel for the petitioner contends that civil litigation is also pending between the parties and the offence punishable under Section 380 IPC was introduced subsequent to the registration of the FIR.

Notice of motion for 09.01.2020.

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.”

Learned State counsel who is assisted by ASI Bhagwan Singh has apprised the Court that the petitioner has not joined the investigation pursuant to order dated 29.08.2019.

At this stage, Mr. H.S. Batth, Advocate for the petitioner contended that the petitioner had joined the investigation even pursuant to the interim order dated 19.07.2019 passed by the Id. Addl. Sessions Judge, Fazilka previously and, therefore, there is no reason for the petitioner to avoid the investigation. He submits that the petitioner would join the investigation as and when called by the Investigating Officer.

This fact is not disputed by learned State counsel that pursuant to the interim order dated 19.07.2019 passed by the Court of Session, the investigation was joined by the petitioner on 23.07.2019. However, the bail application was dismissed on the ground that he was not cooperating with the investigation.

Considering the nature of the offence, the petition is allowed and the interim bail granted by this Court vide order dated 29.08.2019 is made absolute. However, it is ordered that the petitioner would join the investigation as and when called for. In case, the petitioner does not join the investigation, it shall be open for the State to seek recalling of the order.

09.01.2020

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No