

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38239-2019

Date of Decision: 23.01.2020

Bakshis Singh @ Kala

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Harmanpreet Singh, 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.208 dated 09.08.2018 under Sections 452, 323, 506, 148 and 149 IPC (Sections 3 and 4 SC and ST Act, 1989 added later on), registered at Police Station Meharban, District Ludhiana. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 10.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that FIR No. 208 dated 09.09.2018 under Sections 452, 323, 506,148,149 IPC was got registered against the petitioner at Police Station Meharban, District Ludhiana and he was granted pre arrest bail vide order dated 18.10.2018 (Annexure P-2). Learned counsel submits that later on offences under Sections 3 & 4 of Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added, however vide order dated 19.08.2019 (Annexure P-3), the anticipatory bail application was declined by the Special Judge, Ludhiana.

Learned counsel for the petitioner submits that the custodial interrogation of the petitioner may not be necessary.

Considering the averments made in the petition, this Court finds that there are reasonable grounds for exercising the inherent powers under Section 482 Cr.P.C. as provisions of Section 438 Cr.P.C. are not applicable in view of Section 18 of the Act.

Notice of motion for 23.01.2020.

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.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Joginder Pal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Joginder Pal further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 10.09.2019 is made absolute.

23.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No