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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54410-2019
Date of decision-14.01.2020

Keemti Lal

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Arora, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Keemti Lal has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.98 dated 15.10.2019 under Sections 420, 467, 468 and 470 of Indian Penal Code, 1860 registered at Police Station D.Division, Amritsar.

On 19.12.2019, notice of motion was issued.

Learned counsel for the petitioner contends that in compliance of the order dated 30.11.2019 (Annexure P-2) passed by the trial Court, petitioner had joined the investigation. However, on 05.12.2019, the concession of interim bail granted to the petitioner was withdrawn. According to him, the custodial interrogation of the petitioner may not be necessary in the given facts and circumstances of the case.

Learned State counsel assisted by ASI Ashwani Kumar does not dispute this fact that the petitioner had joined the investigation earlier.

However, his custodial interrogation is necessary to find out the person to whom consignment was delivered.

At this stage, learned counsel for the petitioner contends that the FIR itself reveals that the complainant had contacted the petitioner on phone who had received the consignment and therefore, the custodial interrogation of the petitioner is not justified.

After hearing learned counsel for the parties and considering the facts and circumstances of the case, this Court is of the opinion that at the present stage, custodial interrogation of the petitioner may not be necessary. The petition is allowed. It is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C.

It is further clarified that at a later stage, in case it is found that custodial interrogation is necessary, the prosecution can move an application in that regard.

(MANOJ BAJAJ)
JUDGE

14.01.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No