

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

CRM-M-54799 of 2019

Date of Decision:-02.03.2020

Baljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Rajni Maurya, Advocate for
Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.159 dated 08.10.2019, under Sections 323, 324, 341, 148 and 149 IPC (Section 379-B IPC added later on), registered at Police Station Dasuya, District Hoshiarpur. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 06.1.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

*“This is a petition filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case*

FIR No.159 dated 08.10.2019 under Sections 323, 324, 341, 148, 149 IPC and Section 379-B IPC added later on, registered at Police Station Dasuya, District Hoshiarpur.

Notice of motion was issued in this case on 20.12.2019.

Learned counsel for the petitioner has contended that the petitioner was not even named in the FIR and that it was stated in the FIR that there were total six persons out of which 4 persons were unidentified. He has further submitted that perusal of an FIR would suggest that offence is attributable to other co-accused and not by the petitioner who is not even named in the FIR. Learned counsel for the petitioner further states that it was on the basis of statement of co-accused that he has been nominated thereafter and an offence under Section 379-B IPC was added later on, therefore, he prays for grant of anticipatory bail.

The learned State counsel on instructions from ASI Anil Kumar, states that the matter is serious in nature because multiple injuries have been caused to the victim who is otherwise stated to be fine as of now. He has further stated that on the basis of the statement of the co-accused, the role of the petitioner is directly attributable to the injuries caused to the victim.

After hearing learned counsel for the parties and perusing the record, this Court is of the considered view that since the petitioner was not named in the FIR and has been named only on the basis of statement of the co-accused later on, the prayer of petitioner for ad-interim protection is justified at this stage.

Adjourned to 02.03.2020.

Meanwhile, in the event of arrest, the petitioner be

released on interim bail subject to his furnishing personal bonds/ surety to the satisfaction of Arresting/ Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is further directed that the petitioner shall not leave the country without prior permission of the Court.”

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 the investigating officer does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from the investigating officer 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 06.1.2020 is made absolute.

March 02, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No