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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46-2020

Date of decision-22.07.2021

CHANDER SHEKHAR @ POPI

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, 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.70 dated 30.06.2019 under Sections 323, 336, 341, 427, 506, 160, 148, 149 & 307 of Indian Penal Code, 1860 read with Section 25 and 27 of the Arms Act, 1959, registered at Police Station Division No. 1, Jalandhar, District Jalandhar. 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 08.01.2020, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Relies upon the order passed in respect of the co-accused. He further contends that in the given facts as the offence punishable under Section 307 IPC

is debatable, therefore, custodial interrogation of the petitioner may not be necessary.

Notice of motion for 18.05.2020.

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 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 counsel further states that the challan has also been filed.

Learned State counsel who is assisted by ASI Kulwinder Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 08.01.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.07.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No