

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

204

**CRM-M-1461-2021
Date of decision: 16.03.2021**

Simranjit Singh @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Jagjit Singh, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in cross case DDR/GD No.49 dated 29.08.2018 registered under Sections 323, 324, 341, 452 and 148 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Kapurthala, District Kapurthala to which Section 326 of the IPC was added lateron.

While issuing notice of motion on 13.01.2021, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. On 26.08.2018 at 09:00 P.M. the petitioner was attacked and the petitioner lodged FIR No.216 dated

29.08.2018 under Sections 323, 324, 341 and 365 read with Section 34 of the IPC at Police Station City Kapurthala against the complainant party. Section 326 of the IPC was added to the above said FIR lateron. The complainant party lodged above said DDR against the petitioner, his brother Jagdish Singh and father Gulzar Singh as cross case to the above said FIR lodged by the petitioner. His brother Jagdish Singh and father Gulzar Singh were found to be innocent. In the FIR accused Rupinder Singh @ Rubi and Balraj Singh have been granted bail by this Court vide orders dated 26.09.2019 and 17.12.2019 while accused Narinder Singh @ Ram Singh has been granted interim anticipatory bail by this Court vide order dated 02.03.2020. The petitioner is ready to join the investigation and his custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. Rana Harjasdeep, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 16.03.2021.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made earlier, submitted that in compliance with order dated 13.01.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Kuwinder Singh, acknowledged that in compliance with order dated 13.01.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 13.01.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438(2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

16.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No