

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

CRM-M-2691-2021
Date of Decision: 13.10.2021

Ranjit Singh
.....Petitioner

Vs.

State of PunjabRespondent

201-2 CRM-M-5622-2021

Rajwinder Singh **...Petitioner**

VS.

State of Punjab **....Respondent**

201-3 CRM-M-33492-2021

Varinder Singh **....Petitioner**

VS.

State of Punjab **....Respondent**

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ritesh Pandey, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By these petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon a cross-version to FIR no.205 dated 21.08.2020, having been registered vide DDR No.18, dated 26.08.2020, at Police Station Sri Hargobindpur, District Batala,

alleging therein the commission of offences punishable under Sections 326, 324, 447, 427, 148 and 149 of the IPC.

On 08.09.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

The petitioners in CRM-M nos.2691 of 2021 and 5622 of 2021 having been admitted to interim bail vide orders passed by this court on January 21, 2021 and February 08, 2021, as per learned counsel for the petitioners they duly joined investigation, whereas learned State counsel submits that as per instructions from SI Gurdev Singh, they have not joined investigation.

It is to be noticed that on March 26, 2021, learned counsel appearing for the State on that date had stated that the investigating officer had not contacted him and therefore he was unable to state as to whether the petitioners had actually been joined investigation or not.

Though it is to be noticed that at the time that the aforesaid order was passed, it was also stated by this court that if the investigating officer did not join either of the petitioners in the investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the investigating officer to ensure that they were so joined, no order of the learned Ilaqa Magistrate has also been presented before this court because learned counsel for the petitioners is reiterating that as per his instructions, the petitioners did join investigation.

6-7 months having gone by since the time that they were ordered to be admitted to interim bail

CRM-M-2691-2021 and other connected cases -3-

and the second waive of the Covid-19 pandemic having set in in the meanwhile, without making any comment on whether they have actually joined or the investigating officer misinforming the State counsel, all three petitioners in these three petitions are now directed to appear before the learned Area Magistrate concerned on 14.09.2021 at 11:00 a.m.; and upon them so appearing, the learned Area Magistrate would summon the investigating officer concerned and ensure that the petitioners are joined in the investigation by him.

Thereafter, if upon them so joining, they are sought to be arrested, they shall be released on interim bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the Area Magistrate/arresting officer, till the next date of hearing before this court.

They shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

Adjourned to 13.10.2021.

The reply filed by the DSP, Sub Division Sri Hargobindpur, Police District Batala, dated 25.03.2021, in CRM-M-5622 of 2021, is ordered to be taken on record.

A copy of this order be also placed on the file of the other connected matters too.”

Learned State counsel, on instructions from the police official who is present today to assist him, submits that the petitioners have joined investigation pursuant to the aforesaid order and presently their custodial interrogation is not required.

In view of above, the petitions have actually been rendered infructuous and are disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

A photocopy of this order be placed on the file of the other connected case.

October 13, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.