

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

**CRM-M-6256-2021
Date of decision-23.11.2021**

Sahil **...Petitioner**
Vs.
State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.
None for the complainant.

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.105 dated 21.04.2020 under Section 306 Indian Penal Code, 1860 registered at Police Station Fazilka, Punjab. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.02.2021, whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that the petitioner has been falsely implicated in the present case. Counsel for the petitioner categorically submits that the deceased Ashu had been held guilty of committing an offence under Section 376 IPC vide judgment dated 09.12.2018 . It is thereafter that the present FIR has been filed on a false allegation that the prosecutrix and her family members had threatened him with dire consequences. Learned counsel lays stress on the video recording Annexure P-2 wherein the deceased at the time of recording his statement with a reporter had not named the petitioner herein as a person who used to harass the deceased. It is further argued that custodial interrogation of the petitioner would not be

required as no recovery is to be effected and he is ready and willing to join the investigation.
Notice of motion.
Mr. Harbir Sandhu, AAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply.
Adjourned to 28.07.2021.
Meanwhile, petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated 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 her, 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 ASI Kulwant Singh does not dispute this fact that the petitioner has joined the investigation. He 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 11.02.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

23.11.2021

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