

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

207

CRM-M-4024-2020
Date of decision: 12.08.2021

SANDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Yagyaang Ajay, Advocate for
Ms. Benti Kaur, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G. 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 grant of anticipatory bail in case FIR No. 185 dated 26.12.2019 registered under Sections 457 and 380 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Badhani Kalan, District Moga.

This Court had, vide order dated 30.01.2020, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:-

“ The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.185 dated 26.12.2019 registered under Sections 457 and 380 of the Indian Penal Code, 1860 at Police Station Badhani Kalan, District Moga.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. FIR was lodged on the statement regarding theft by unknown persons. The petitioner was not present in the village and had gone to meet his relatives. There is no

material to connect the petitioner to the alleged offence. The petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Arun Kaundal, DAG, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to the Learned State Counsel, who seeks time to complete his instructions.

Adjourned to 26.03.2020.

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 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 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 petitioner has, while reiterating submissions made earlier, argued that in compliance with order dated 30.01.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

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 Raghuvinder Prasad, acknowledged that in compliance with order dated 30.01.2020 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 deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 30.01.2020 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.

12.08.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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