

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

204

CRM-M-7166-2021

Date of decision : 04.08.2021

Ishwarjot Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, 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 case FIR No.17 dated 23.01.2021 registered under Sections 323 and 324 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station City South Moga to which Section 326 of the IPC was added lateron.

Vide order dated 16.02.2021, the Coordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation. The said order reads as under:-

"Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia contending that the petitioner has been falsely implicated in the present case. The alleged incident took place on 20.12.2020 at about 9.15 p.m., thereafter the matter was investigated and two persons namely Vishu Sehgal and Arun Batra were called for investigation, however, on account of Vishu Sehgal and Arun Batra causing a promotion, they were arrested under Sections 107, 151 Cr.P.C. on 09.01.2021. It is only subsequent thereto that an FIR came to be registered after 34 days of the alleged incident and the petitioner has been named as one of the accused therein, however, in the said FIR there is no

allegation that the petitioner was either carrying a weapon or have inflicted any injury on the person of the complainant. It is further submitted that the petitioner is ready and willing to join the investigation.

Notice of motion.

Ms. Monika Jalota, D.A.G., Punjab accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 04.08.2021.

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."

The petition has been opposed by respondent-State. 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 relevant record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier and adding that during pendency of the petition the petitioner has compromised the matter with the complainant, 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.

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 of ASI Basant 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 and 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 13.01.2021 granting interim anticipatory 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.

04.08.2021

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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