

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-8193 of 2020
Date of Decision: 25.03.2021

Gaurav Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Jhanji, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. A.S. Manaise, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 26.02.2021, the following order had been passed:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR no.73 dated 09.04.2019 under Sections 313, 323, 324, 506, 120-B IPC registered at Police Station City Phagwara, District Kapurthala.

Notice of motion for 18.05.2020.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

Thereafter, on 08.03.2021, on an application filed by the complainant, the date of hearing had been advanced till today, with the petitioner ordered to surrender his passport before the trial court.

Learned counsel for the petitioner submits that he had done the needful.

Mr. Sandhu, learned AAG, Punjab, on instructions, submits that other than the offences made out in the FIR, the offences punishable under Sections 406 and 498-A of the IPC have also been added in the FIR, but the petitioners' custodial interrogation is not required.

That being so, the petition has actually been rendered infructuous and naturally, with the instructions of learned State counsel being as aforesaid, the petitioner would be deemed to have been admitted to bail even in the context of the offences punishable under Sections 406 and 498-A of the IPC.

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

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.

March 25, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No