

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-8504-2020

Date of Decision : 05.10.2021

Vishal Sharma

..... Petitioner

Vs

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr.Kuljit Singh Bal, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.132 dated 05.11.2019 registered under Section 379-B IPC (Section 411 IPC was added later on) Police Station Mukerian, District Hoshiarpur.

Notice of motion was issued on 27.02.2020 and the interim anticipatory bail was granted to the petitioner on the premise that he was not named in the FIR. He was nominated later on in the supplementary statement of the complainant. Complainant Balwinder Singh had submitted an affidavit in the inquiry to the police that the petitioner was not involved in the present case. Even on 27.02.2020, Mr. Sandeep Berwal, Advocate appeared on behalf of the

complainant-Balwinder Singh and admitted the factum of compromise arrived at between parties. Thereafter, the case was adjourned vide order dated 10.08.2021 on the basis of statement made by learned State counsel that the petitioner had not joined the investigation. The petitioner was again directed to join the investigation on 16.08.2021 at 11.00 a.m.

Learned counsel for the petitioner submits that the petitioner has joined the investigation on 16.08.2021.

Learned State counsel pleads no instructions on the ground that the investigating officer has not come forward to instruct him in any manner.

In view of factum of compromise admitted between the parties, there was no occasion for the Investigating Officer not to instruct the learned State counsel today. Even on 10.08.2021, the case was adjourned at the instance of learned State counsel when he on instructions from ASI Ravinder Singh submitted that the petitioner has not joined the investigation.

Learned counsel for the complainant had appeared on the first date of hearing i.e. 27.02.2021 itself and submitted regarding factum of compromise having been entered between the parties.

Owing to the conduct of the Investigating Officer, who has not instructed the learned State counsel regarding factual position of the case, I deem it appropriate not to adjourn the case further. Since the complainant party has already appeared in the present case and has no grievance against the petitioner, therefore, I deem it

appropriate to confirm the order dated 27.02.2020. Ordered accordingly.

Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The matter be brought to the notice of Senior Superintendent of Police, Hoshiarpur to take all corrective steps in order to streamline the system.

Petition stands disposed of.

05.10.2021
anju

(RAJ MOHAN SINGH)
JUDGE

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