

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

201

CRM-M-12403-2021

Date of decision: 12.08.2021

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. T.P.S.Bhatti, 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 the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 11 dated 10.02.2019 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Bhikhiwind, District Tarn Taran.

Vide order dated 18.03.2021 the Co-ordinate Bench of this Court had, 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 matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case; there is no other criminal case in which the petitioner is involved; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged payments are made to co-accused Jasmail Singh;

the present FIR is lodged after an unexplained delay of over a decade; the FIR contains vague and unsubstantiated allegations and that the petitioner is ready and willing to join the investigation as and when called by the Investigating Agency.

Notice of motion.

Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 13.07.2021.

In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.11, dated 10.02.2019, registered under Sections 420, 120-B IPC at Police Station Bhikhiwind, District Tarn Taran, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

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, submitted that in compliance with order dated 18.03.2021, 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 from ASI Charanjit Singh, acknowledged that in compliance with order dated 18.03.2021 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the present 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 18.03.2021 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