

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

201-2

CRM-M-13764-2021

Date of decision: 20.07.2021

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Harish Goyal, 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 short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.28 dated 02.03.2021 registered under Sections 323 and 452 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Khanna, Police District Khanna, District Ludhiana.

While issuing notice of motion on 25.03.2021, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in the case at the behest of the complainant who was stopped from drinking alcohol in a religious place; the petitioner has no other criminal case pending against him; even if the case of the prosecution is taken as the gospel truth,

though vehemently denied, only a simple injury is attributed to the petitioner and that the petitioner is ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr.Sandeep Kumar, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 20.07.2021.

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.28, dated 02.03.2021, registered under Sections 452, 323, 34 IPC at Police Station Sadar Khanna, District Ludhiana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date the State shall file a concise status report."

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 25.03.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

On the other hand, 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 Amar Singh, acknowledged that in compliance with order dated 25.03.2021 passed by Co-ordinate Bench of this Court, the petitioner

has joined the investigation and that his custodial interrogation is not required in the 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 25.03.2021 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.

20.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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