

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

202

**CRM-M-15704-2021
Date of decision: 20.12.2021**

CHITMANDEEP SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Ferry Sofat, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for respondent-State.

Mr. P.S.Jammu, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 172 dated 08.10.2020 registered under Sections 452, 323, 325, 506 read with Section 34 of the Indian Penal Code, 1860 at Police Station Urban Estate, Patiala.

While issuing notice of motion on 08.04.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 08.04.2021 reads as under :-

“At the very outset, learned counsel submits that the word 'diseased' appearing in the translated copy of FIR ahead of Gamdoor is on account of typographical error. Gamdoor is still alive. Only non-bailable offences are under Sections 452 and 506 IPC (since the threat is qua life). The alleged occurrence took place on 01.10.2020 and the FIR came to be registered on 08.10.2020. Allegations of teasing the daughter of the complainant have been vehemently denied by the petitioner, rather

learned counsel relies upon written communication (Annexure P-2) and photograph (Annexure P-3) to contend that the occurrence has not taken place in the manner as suggested in the FIR. Daughter of the complainant namely Gurpreet Kaur had a love affair with the petitioner and both wanted to go abroad after the marriage. It was stated that the petitioner will bear the entire expenses of getting the visa prepared after the marriage and the petitioner was called by the complainant in his house, where demand of money was made as measure of security. The talks could not be materialized and present FIR came to be registered.

Notice of motion for 12.07.2021.

At this stage, P.S. Jammu, Advocate appears on behalf of the complainant.

At this stage, no final opinion can be made to the allegations and counter allegations, however, the petitioner can be asked to join the investigation.

*In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on **14.04.2021** at 11.00 A.M. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.....”*

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 08.04.2021, submitted that in compliance with order dated 08.04.2021, 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, on instructions from A.S.I. Saudagar Singh, acknowledged that in compliance with order dated 08.04.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 08.04.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation 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.

20.12.2021
kavneet singh

(SANT PARKASH)
JUDGE

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