

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM-M-16598-2021

Date of Decision : September 14, 2021

Avtar Singh

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Kaushik, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.66 dated 03.03.2020 registered under Sections 325, 323, 34 of the Indian Penal Code, 1860 (Section 308 and 120-B IPC added later on) at Police Station Sohana, Mohali.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 15.04.2021. Order dated 15.04.2021 is as under:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C seeking anticipatory bail to the petitioner in FIR No.66 dated 3.3.2020 registered under Sections 325, 323, 34 I.P.C (later on added sections 308, 120-B I.P.C) at Police Station, Sohana,

Mohali.

Learned counsel for the petitioner contends that the role attributed to the petitioner as per allegations in the FIR is that he was armed with a base ball bat and he caused injury on the elbow of the father of the complainant Hari Singh. Learned counsel further contends that the allegations are totally frivolous and no custodial interrogation of the petitioner is required.

Notice of motion, returnable for 26.5.2021.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make themselves available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Satnam Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 15.04.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 14, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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