

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRM-M-17494-2021

Date of decision: 30.04.2021

Baljinder Singh Sidhu

....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Additional AG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Petitioner- Baljinder Singh Sidhu, stated to be aged 42 years, has filed the present petition *inter alia* with a prayer for issuance of direction to the SHO/Investigating Officer, Police Station Civil Lines, District Bathinda, not to arrest the petitioner or in the event of his arrest, he shall be released on bail during pendency of the case.

Records of the case show that vide order dated 28.04.2021, this Court had passed the detailed order granting interim protection to the petitioner by *inter alia* observing that if there is no other complaint against the petitioner, he be not arrested till the next date of hearing.

Today, on the resumed hearing of the case, learned State counsel,

on instructions from SI Karamjit Singh, submits that there is no other complaint against the petitioner except the one mentioned in the order. He further submits that the inquiry is regarding alleged complaint, which is being inquired into by the police authorities. He submits that considering the allegations in the complaint, even if it is presumed that the Investigating Agency, after the conclusion of the investigation, deems it appropriate to initiate proceedings against the petitioner, it shall be under Section 420 IPC punishable upto 7 years. In the course of further submissions, it has also been pointed out that as per Section 41-A of the Criminal Procedure Code, the authorities may be directed to issue notice of appearance for 2 weeks in writing to the petitioner.

In view of the above, interim order dated 28.04.2021, shall continue with the above modifications.

It is directed that in the event that the petitioner is required a prior notice of 2 weeks under Section 41-A of Cr.P.C., shall be issued to the petitioner.

No further orders are called for.

Petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

30.04.2021

shruti/anju rani

Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No