

Amarpartap Singh

Versus

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No. 27 dated 05.03.2021 registered under Sections 409 IPC, 1860 at Police Station Mokhampura, District Amritsar.
3. On 29.04.2021, the following order was passed:-

“It is submitted that the petitioner has been falsely implicated in FIR No. 27 dated 05.03.2021 under Section 409 IPC registered at Police Station Mokhampura, District Amritsar. File of FIR No. 235 dated 27.09.2018 under Section 21 of NDPS was never handed over to him at any point of time. It is further submitted that it is wrongly mentioned in the FIR that the petitioner was contacted through written letters and telephonically to join investigation but he did not come present. If given an opportunity, it is submitted, the petitioner can explain entire facts and circumstances. Furthermore, the petitioner is stated to have met with a motor vehicle accident and was admitted at Nayyar Heart Institute and Super Speciality Hospital at Amritsar.

Reference is made to the Medical certificate dated 20.04.2021 (Annexure P3).

Notice of motion. Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of respondent – State.

List on 02.08.2021.

In the meanwhile, petitioner shall join investigation as and when directed by the Investigating Officer. He shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C”.

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Harjinder Singh, confirms that pursuant to the order of this Court dated 29.04.2021, the petitioner joined investigation, cooperated in the investigation, was released on ad-interim pre-arrest bail and his custodial interrogation is not required.

5. In view of the statement of the learned State counsel, order dated 29.04.2021 passed by this Court, is made absolute. The petitioner shall continue to abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated herein shall be deemed to be an expression of opinion on the merits of the case.

5. Petition stands disposed of in the aforementioned terms.

August 02, 2021
ps

(B.S. Walia)
Judge

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