

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

213

CRM-M-14827-2020

Date of decision: 19.07.2021

VIRENDER SINGH THAKUR @ BABLU

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Raina Sabharwal Thakur, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent No.1-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 grant of anticipatory bail in case FIR No.165 dated 28.05.2020 registered under Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 506, 294 and 188 of the Indian Penal Code, 1860 at Police Station Division No.7, Jalandhar.

This Court had, vide order dated 11.06.2020, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:-

“The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.165 dated 28.05.2020 registered under Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 506, 294 and 188 of the Indian Penal Code, 1860 at Police Station Division No.7, Jalandhar.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated on the basis of remarks made during private telephonic conversation

and none of the offences enlisted in the FIR is made out against the petitioner by the facts alleged. The petitioner is ready to join investigation and his custodial interrogation is not required for any purpose. Therefore, the petitioner may be granted anticipatory bail.

In support of his contention learned Counsel for the petitioner has relied on the observations in judgment of Hon'ble Supreme Court in **Writ Petition Nos.1015-1016 of 2018 titled Prathvi Raj Chauhan Vs. Union of India and others decided on 10.02.2020** and judgment of this Court in **CRR-1354-2019 (O&M) titled Pardeep Kumar Vs. State of Haryana and another decided on 14.05.2020**.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State Counsel by the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 06.08.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.”

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Harinder Singh, PPS, Assistant Commissioner of Police-IV Model Town Jalandhar.

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, argued that in compliance with order dated 11.06.2020, 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 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

SI Sohan Lal acknowledged that in compliance with order dated

11.06.2020 passed by 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 11.06.2020 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.

19.07.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

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