

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-19644 of 2021
Date of Decision : 09.09.2021

Inderjit Singh

..Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Sharma, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.44 dated 01.03.2021 registered under Sections 458, 511, 506, 336, 268 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Division No.8, District Jalandhar.

Learned counsel for the petitioner contends that in terms of order dated 18.05.2021 passed by this Court, the petitioner has joined the investigation. The said order is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.44 dated 01.03.2021 under Sections 458, 511, 506, 336, 268 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Division No.8, Jalandhar.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present FIR by the complainant on the asking of her husband, who is facing FIR No.222 dated 21.10.2019 under Sections 61, 01 and 14 of the Excise Act as well as Section 420 of IPC. Learned counsel for the petitioner submits that the present FIR has been registered against the petitioner so as to coerce him not to testify against the husband of the complainant. Learned counsel for the petitioner further submits that the petitioner was not present at the scene of occurrence, which fact can be verified from the CCTV footage.

Notice of motion for 09.09.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioner has been implicated on the ground that a purse was recovered from the site, which contained Adhar Card belonging to the petitioner, which shows that the petitioner was very much present at the time of occurrence. Learned State counsel further submits that the weapons alleged to have been used are yet to be recovered.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations with regard to the recovery of the purse containing Adhar Card of the petitioner, are yet to be proved. Further, no injury has been caused to anyone in the incident and the only allegation is with regard to using a firearm in the air. Keeping in view the situation of Pandemic of Covid-19, no useful purpose will be served by sending the petitioner behind the bars, especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

The petitioner is directed to join the investigation

forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating

Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police

officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Gurmail Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 18.05.2021 passed by this Court 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 co-operating, it will be at liberty to approach this Court for passing

appropriate orders.

The petition stands disposed of.

September 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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