

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-20209 of 2021

Date of Decision : 17.09.2021

Sagar

....Petitioner

Versus

State of Punjab

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 46 dated 01.04.2021 under Sections 379-B, 149 and 411 of IPC registered at Police Station Division No.5, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 20.05.2021. Order dated 20.05.2021 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.46 dated 01.04.2021 under Sections 379-B, 149 and 411 of IPC registered at Police Station Division No.5, Jalandhar.

Learned counsel for the petitioner argues that the petitioner has been roped in the present FIR on the basis of the disclosure statement of the co-accused namely, Manpreet Singh @ Mannu. Learned counsel for the petitioner submits that co-accused Manpreet Singh @ Mannu and Sukhjinder Singh @ Sukha have already been granted the benefit of regular bail

and the recovery of the motorcycle as well as all the other items have already been effected from them. Learned counsel for the petitioner further submits that only allegation against the petitioner is that a sum of Rs.5,000/-, which was taken from the complainant during the incident was equally shared by the petitioner with the other co-accused namely, Aman.

Notice of motion for 13.09.2021.

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 as per the allegations, there were six accused and out of those six only four accused have been identified and the remaining two are yet to be identified. Learned State counsel does not dispute the fact that the motorcycle as well as other items have already been recovered from the co-accused, who have already been granted the benefit of regular bail.

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

As the petitioner has been roped in the present FIR on the basis of the nomination by the co-accused and the allegations alleged against the petitioner are yet to be proved in the Court of law and the recovery of the items have already been done from the other two co-accused, who have been extended the benefit of regular bail already and also 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 Avtar Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 20.05.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 17, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No