

210

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22390-2021
Date of decision-10.09.2021

SHOBHIT KUMAR

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Ms. Anita Tiwari, Advocate
for the Complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.75 dated 03.04.2021, under Section 420 Indian Penal Code, 1860, registered at Police Station City Jalalabad, District Fazilka. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.06.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Petitioner-Shobhit Kumar, stated to be aged 23 years, has filed the present petition inter alia with a prayer for grant of anticipatory bail to the

petitioner in case FIR No.75 dated 03.04.2021, registered under Section 420 IPC, at Police Station City Jalalabad, District Fazilka, Punjab.

Learned counsel for the petitioner, by making reference to the contents of the FIR (wherein, the investigation conducted has been recorded), submits that on 03.08.2019, Gagandeep Singh came to his CSC Centre along with his Aadhar Card and PAN Card for opening his account. By making reference to the said observations, learned counsel submits that even as per investigation, there is not even allegation of alleged forgery of PAN Card or Aadhar Card.

Notice of motion.

On asking of the Court, Mr. H.S. Sitta, Assistant AG, Punjab, accepts notice on behalf of the State.

On instructions from ASI Makhan Singh, learned State counsel submits that there is no other case pending against the petitioner. Learned State counsel is not disputing the factual position, however, opposes the bail on merits.

At this stage, learned counsel for the petitioner submits that he has instructions from the petitioner that in order to show his bona fide, the petitioner would get an FDR of Rs.34,000/-(rupees thirty four thousand only) made in his name and deposit the same with the trial Court. Counsel further submits that the petitioner is ready to join the investigation. He submits that because of COVID-19 situation also, retention of the petitioner behind bars would be dangerous to his life.

Without commenting upon merits of the case and in view of the peculiar facts and circumstances of the present case and also keeping in view of the present COVID situation, this Court deems it appropriate to direct the petitioner to appear before the Investigating Officer to join investigation.

List on 10.09.2021.

Meanwhile, in the event of arrest, the petitioner shall be released on interim bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer. The petitioner shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would get an FDR of Rs.34,000/-(rupees thirty four thousand only) made in his own name and deposit the same with the trial

Court which would abide by the final order to be passed by the trial Court.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. He has produced the copy of FDR of Union Bank of India.

Learned State counsel, who is assisted by SI Amarjeet Kaur does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 07.06.2021 is made absolute.

The amount of FDR be paid to the party, who is found entitled at the time of conclusion of trial.

(MANOJ BAJAJ)
JUDGE

10.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No