

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203-2)

CRM-M-22395-2021

Date of Decision : August 24, 2021

Shiv Dev

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Janak Singh Bhinder, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 242 dated 29.10.2019 registered under Sections 458, 323, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station City Sunam, Tehsil Sunam, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 07.06.2021. Order dated 07.06.2021 is as under:-

“Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present FIR. He has further submitted that no specific role is attributable to the petitioner and no injury has been caused and there is no medical evidence with regard to the same. He has further submitted that the petitioner was granted interim anticipatory bail by the learned Addl. Sessions Judge, Sangrur along with

co-accused namely Maninder Singh vide Annexure P-2. Thereafter, vide Annexure P-3 the anticipatory bail application of the petitioner and co-accused namely Maninder Singh was dismissed on the ground that they did not join investigation and further no plausible explanation was coming forth. The learned counsel for the petitioner has, however, relied upon Annexure P-4, which is an order passed by a Coordinate Bench of this Court in which another accused namely Maninder Singh who filed application for anticipatory bail has been granted interim protection. Learned counsel has submitted that in the case of the petitioner, the Investigating Officer refused to make the petitioner join investigation. He has submitted that there is no evidence of any injury having been caused to the complainant and there is not specific attribution made to the petitioner.

Notice of motion.

On asking of the Court, Mr.H.S.Multani, Asstt. A.G. Punjab, accepts notice on behalf of the State of Punjab and prays for time to seek instructions.

List on 24.8.2021.

To be heard along with CRM-M-18683-2021.

Meanwhile, the petitioner is directed to appear before the Arresting/Investigating Officer and join the investigation and thereafter also as and when called upon to do so. In the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438 (2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from Head Constable Jasjot Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is

required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 07.06.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 24, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No