

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203-3)

CRM-M-23566-2021

Date of Decision : August 24, 2021

Kala Singh

.. 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 21.06.2021. Order dated 21.06.2021 is as under:-

“Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.242, dated 29.10.2019, under Sections 458, 323, 506, 148 and 149 IPC, registered at Police Station City Sunam,

Tehsil Sunam, District Sangrur.

It has been contended that the petitioner was granted interim bail by learned Additional Sessions Judge, Sangrur, on 23.11.2019 but the same was cancelled as he could not attend the investigation. He further contends that co-accused has been granted interim protection by this Court, which are annexed as Annexures P4 and P5, dated 12.05.2021 and 07.06.2021 respectively.

Case of the petitioner is not different from the case of coaccused, who have been granted interim protection vide Annexures P4 and P5. Thus, this Court deems it appropriate to grant the same relief to the petitioner.

Notice of motion.

On the asking of the Court, Mr.Ajay Pal Singh Gill, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent-State.

List on 24.08.2021.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner 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 such facts to the Court or to any police officer.

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

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 21.06.2021 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