

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224 (4)

CRM-M-23984-2021
Date of Decision : 04.10.2021

Ashok Kumar @ Kallu

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Kumar, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.70 dated 24.09.2019 registered under Sections 452, 427, 148, 149 and 120-B of the IPC (Section 307 of IPC deleted later on) at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by a Coordinate Bench of this Court on 24.06.2021. Order dated 24.06.2021 is as under:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.70 dated 24.09.2019, registered at Police Station Talwara, District Hoshiarpur, under Sections 452, 427, 148, 149 and 120- B IPC (offence under Section 307 IPC deleted later on).

Learned counsel for the petitioner contends that

the only allegation against the petitioner is that he alongwith Navjot Singh @ Rocky and Ashok Kumar alias Kallu had hatched a criminal conspiracy with an intention to kill the complainant. It is also argued that the complainant has reached an amicable settlement with co-accused, Navjot Singh @ Rocky, who is similarly situated to the petitioner and had been granted the concession of ad interim pre-arrest bail by a Coordinate Bench, vide order dated 01.06.2021 passed in CRM-M-21788-2021.

Notice of motion.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and seeks time to file a status report.

On his request, adjourned to 04.10.2021.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of Cr.P.C.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

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

In view of the above, the order dated 24.06.2021 passed by a Coordinate Bench of 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.

October 04, 2021

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No