

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104)

CRM-M-24572 of 2021

Date of Decision: 10.08.2021

Loafer Lal @ Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Arun Sharma, Advocate, for the petitioner.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On July 08, 2021, the following order had been passed:

“Case heard by way of video conferencing.

On 01.07.2021, the following order had been passed:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.0237, dated 13.08.2020, having been registered at Police Station Sirhind, District Fatehgarh Sahib, alleging therein the commission of offences punishable under Sections 457 and 380 of the IPC.

Learned counsel points to that part of the FIR in which it is stated that as a matter of fact the complainant has first stated that he had gone to the police station on 12.08.2020 when he found that a theft had been committed in his industry/factory, and that he had lodged a verbal complaint.

Thereafter, it was stated that at 11.15 p.m, three unknown person entered the premises with the intention to commit theft and were collecting certain ‘parts’ etc., who thereafter, upon a noise being raised by the complainant and others, ran away in the darkness, with the petitioner having been caught and beaten up.

He submits that in fact subsequently a cross version to the FIR has been registered on account of injuries received by the

petitioner, including a fracture in his arm.

However, upon query to the learned counsel for the petitioner as to why the petitioner was beaten up, he has no answer.

He seeks an adjournment.

On his request, adjourned to 08.07.2021.

Today learned counsel for the petitioner, in reply to a query raised by this court, submits that as per his instructions the petitioner was going home at night, when the complainant, in a drunkard condition, caught him and beat him up.

Whereas that is slightly difficult to believe (at this stage at least), however in view of the fact that nothing had been actually stolen when the petitioner is stated to have entered the factory (as per the allegation), the petitioner is directed to join investigation within a week and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 10.08.2021.”

Today, learned State counsel, on instructions, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at

any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

10.08.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No