

225(1)

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25719-2021

Date of decision-04.10.2021

VISHAL

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tajinder pal Singh Makkar, Advocate
for the petitioner.

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

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.70 dated 10.04.2021, under Sections 458, 427, 506, 148 & 149 Indian Penal Code, 1860, registered at Police Station City Nakodar, District Jalandhar Rural. 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 15.07.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Case is taken up for hearing through video conferencing.

Through this petition filed under Section 438

Cr.P.C., the petitioner seeks anticipatory bail in case bearing FIR No.70 dated 10.04.2021 registered under Sections 458, 427, 506, 148, 149 IPC, at Police Station City Nakodar, District Jalandhar Rural, Punjab.

Learned counsel for the petitioner submits that there is an allegation against the petitioner that he, while armed with Iron Datar, along with 8-9 other unidentified persons, had damaged Activa and Bullet motorcycle standing parked in the complainant's house. He further submits that in the present case, all Sections except Section 458 IPC are bailable in nature. Still further, it is submitted that one of the co-accused, namely Sunny Sudhir, who was armed with a sheath-less kirpan, was residing as a tenant in the house of the complainant at one point of time and he has already been granted the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 27.05.2021.

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.

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 Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) 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 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.

Learned State counsel, who is assisted by ASI Balwinder Singh 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 15.07.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

04.10.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No