

CRM-M-25925-2021

Date of Decision:20.09.2021

Harpreet Singh @ HappyPetitioner
Vs.
State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

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

Mr. Ramdeep Pratap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 08.07.2021, the following order had been passed by this court:-

“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.100, dated 24.04.2021, having been registered at Police Station Gate Hakima, District Amritsar, alleging therein the commission of offences punishable under Sections 379B of the IPC and Section 25 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner obviously not having been named in the FIR, has been named as an accused on an alleged disclosure statement made by a co-accused; and that there is no other criminal case registered against him.

He also submits that no ‘Alto’ car belongs to him as has been stated in the order of the learned Addl. Sessions Judge, Amritsar, while dismissing a similar petition, that being one of the grounds for such dismissal.

Upon query to him as to how the police would dream up his name if there was no other criminal case registered against him and therefore it would seem slightly difficult to believe, at this stage, that he would simply be roped in, he submits that he is only a friend of the other co-accused and reiterates that the ‘Alto’ car referred to in the FIR, does not belong to him.

Without making any comment on the merits of the case, notice of motion is issued, with Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepting notice on behalf of the respondent-State, on the asking of the court.

Adjourned to 12.08.2021.

In the meanwhile, 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.

A gazetted officer is directed to file a reply to the petition before the next date of hearing, giving therein any incriminating evidence that has been found against the petitioner.”

Thereafter, on 12.08.2021, the following order had been passed:-

“Case heard via video conference.

Pursuant to the order of this court dated 08.07.2021, as per instructions of learned State counsel, the petitioner has joined investigation.

However, he submits that with a reply of the ACP, Central, Amritsar City, having been filed, the petitioners' complicity in the commission of the offence is obvious and therefore, the aforesaid order be not made absolute.

There seemingly being some problem in the network connection of learned counsel for the petitioner, adjourned to 20.09.2021.

Interim order to continue till that date only and specifically.

The reply dated 31.07.2021 is ordered to taken on record.”

Today, learned State counsel, on instructions from ASI Harjeet Singh, submits that presently at least petitioners' custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this petition has actually 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 10 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 would be always at liberty to avail of his remedy as per law.

September 20, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO