

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

224 (5)

CRM-M-27449-2021
Date of Decision : 04.10.2021

Rahul Kumar @ Babbar

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ruhani Chadha, 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, 307, 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 16.07.2021. Order dated 16.07.2021 is as under:-

“Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 70 dated 24.9.2019 under Sections 452, 307, 427, 148, 149, 120-B IPC (offence under Section 307 IPC was deleted later on) registered at Police Station Talwara, District Hoshiarpur.

Learned counsel for the petitioner submits that no injury has been attributed to the petitioner and the offence

under Section 307 IPC was deleted during investigation. He further submits that co-accused Navjot Singh @ Rocky has been granted interim bail vide order dated 1.6.2021, passed by a Co-ordinate Bench of this Court.

Notice of motion.

On the asking of the Court, Mr. Avtar Singh Sandhu Addl. A.G., Punjab accepts notice on behalf of the State and prays for time.

Adjourned to 4.10.2021.

Meanwhile, 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 the Code of Criminal Procedure.

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 16.07.2021 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