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

CRM-M-30850-2021
Date of Decision:26.08.2021

Gurbinder Singh .....Petitioner

Vs.

State of Punjab ....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Parvesh Sachdeva, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 04.08.2021, the following order had been passed:-

"Case heard via 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.112, dated 20.09.2018, having been registered at Police Station Arniwala, District Fazilka, alleging therein the commission of an offence punishable under Section 384/120-B of the IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1994.

Learned counsel for the petitioner submits that the petitioner is being roped in as regards the commission of any offence, on the allegation that he is also known as Ekatar Singh, son of Kaur Singh, whereas his name is only Gurbinder Singh.

Notice of motion.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent-State and seeks time to take instructions as to on what basis it was contended before the learned Additional Sessions Judge, Fazilka (on a similar petition having been filed before that court), that the petitioner is also known as Ekatar Singh.

Meanwhile, a gazetted officer is directed to file an affidavit stating therein the basis on which the petitioner is alleged to be also known as Ekatar Singh (if that is so), because it is seen from the order of the learned Additional Sessions Judge, Fazilka, that the complainant stated that the petitioner is also known as Ekatar Singh.

In the meanwhile, without making any comment on the actual merits of the case, the petitioner is directed to join investigation and upon his doing so, in case he is sought

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> 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.
>
> It is obviously made clear that this is only an interim order operating in favour of the petitioner and in case it is shown before this court that the petitioner, at least prima facie, is known also by the name of Ekatar Singh, I would see no reason to continue with this petition.
>
> Adjourned to 26.08.2021."

Today, learned State counsel submits, on instructions, that though a reply to the petition has not been filed, the petitioners' custodial interrogation presently at least 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.

August 26, 2021 **(AMOL RATTAN SINGH)**
dharamvir **JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO

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