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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31156-2021
Date of decision-22.11.2021

TARSEM SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.K. Khunger, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, 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.0056 dated 07.07.2021, under Sections 379-B, 341, 323, 427, 148, 149 Indian Penal Code, 1860, registered at Police Station Sadar Abohar, District Fazilka. 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 05.08.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that though the petitioner is named in the FIR, but no specific role has been attributed to him except fist and slap blows to the complainant. According to him, the petitioner

was previously working with the complainant at his liquor vend and after relieving his job, complainant has falsely implicated him. According to him, the alleged snatching was by co-accused-Ravinder Singh, who has been arrested and recovery of some of the amount has been effected from him. He submits that as the petitioner is disabled person, therefore, his custodial interrogation may not be necessary as he is willing to join the investigation.

Notice of motion for 22.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

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 HC Sukhwinder 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 05.08.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

22.11.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No