

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-32185 of 2021
Date of decision:02.11.2021

Avtar Singh @ Nikka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

While granting interim protection to the petitioner, this Court
passed the following order on 19.08.2021:-

*“The Court has been convened through video
conferencing due to Covid-19 Pandemic.*

*Instant petition has been filed under Section 438 of the
Code of Criminal Procedure, 1973 for grant of anticipatory
bail in case FIR No.102 dated 05.07.2017, registered for
offences under Sections 307, 353, 186, 342, 323, 427, 148 and
149 of the Indian Penal Code, 1860 and Section 3 of
Prevention of Damage of Public Property Act, 1984, at Police
Station Sadar Fazilka, District Fazilka (Annexure P-1).*

Counsel for the petitioner contends that the petitioner is

similarly placed as co-accused, Amarjeet Singh etc., who have been granted interim protection by this Court by virtue of order dated 02.08.2021 passed in CRM-M-30317-2021. He has drawn the attention of the Court to the arguments raised by counsel for the petitioners in the said petition, which are reproduced as under:-

“Counsel for the petitioners contends that though the name of the petitioners do not figure in the FIR, but they have been arraigned as accused on the basis of supplementary statement of the injured liquor contractor, Om Prakash. He has placed reliance on order dated 27.07.2021, whereby co-accused – Teja Ram has been granted interim protection by this Court in CRM-M-29097-2021.”

Notice of motion.

On asking of the Court, Mr. Sandeep Singh Deol, DAG, Punjab accepts notice on behalf of respondent-State.

List on 02.11.2021.

To be heard with CRM-M-29097-2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the

conditions as specified under Section 438 (2) Cr.P.C.”

Upon instructions from ASI Des Raj, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 19.08.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

November 02, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>