

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-33358-2021

Date of Decision : November 11, 2021

Jagtar Singh and another

.. Petitioners

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rituraj Singh, Advocate, for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 298 dated 23.12.2020 registered under Sections 186, 353, 332 and 34 IPC at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 17.08.2021. Order dated 17.08.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.298 dated 23.12.2020 registered under Sections 186, 353, 332 and 34 IPC at Police Station Dasuya District Hoshiarpur.

Learned counsel for the petitioners argues that the petitioner No.1 is a 78 years old man and on the directions given by the trial Court, both the petitioners had joined and

cooperated in the investigation but, without there being any report with regard to non-joining of investigation by the petitioners, their anticipatory bail application was rejected by the Court below on the ground that the petitioners have assaulted and used force against the official performing his duties, which undermines the public authority. Learned counsel for the petitioners submits that as of now, no recovery is to be effected from the petitioners and they are ready to join and cooperate in the investigation.

Notice of motion for 11.11.2021.

Mr. Sandeep Kumar, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that the petitioners have manhandled the official, who was only discharging his duties and a clear message should be sent to the public at large that using force against the officials implementing the orders of the authorities is not appreciated and, therefore, the prayer of the petitioners for the grant of anticipatory bail may be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, prima facie, reasons given by the Court below while rejecting the anticipatory bail application of the petitioners does not need interference by this Court, but, as, before passing of the said order, the petitioners were allowed to join the investigation and they were cooperating in the investigation and keeping in view the age of petitioner No.1 who is 78 years old and also keeping in view the pandemic of Covid-19, no useful purpose will be served by sending the petitioners behind the bars for custodial interrogation, when no recovery is to be effected from them especially, when learned counsel for the petitioners undertakes that the petitioners will join and cooperate in the investigation, hence, the petitioners have made out a case for the grant of benefit of

anticipatory bail.

The petitioners are directed to join the investigation forthwith.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That they shall make herself available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who is present in the Court, on instructions from ASI Amarjit Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 17.08.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They 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 petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 11, 2021

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No