

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-33667 of 2021

Date of Decision : 15.11.2021

Ranga

....Petitioner

Versus

State of Punjab

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kamal Narula, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 197 dated 19.10.2019, registered under Sections 452, 323, 354-B, 380, 427, 506, 148 and 149 IPC, at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 19.08.2021. Order dated 19.08.2021 is as under:-

“Present is a second petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.197 dated 19.10.2019, registered under Sections 452, 323, 354-B, 380, 427, 506, 148 and 149 IPC, at Police Station Guruharsahai, District Ferozepur.

Learned counsel for the petitioner argues that an FIR was registered by the petitioner against the complainant with regard to the suicide committed by his son and the present FIR has been registered against the petitioner by the complainant so as to retaliate. Learned counsel for the petitioner submits that the allegations in the FIR not only relates to the injury

inflicted, but all the household items being taken away, which cannot be believed especially when the FIR was registered after a period of 14 days of the occurrence of incident. Learned counsel for the petitioner further submits that the injury, which is attributed to the petitioner, is simple in nature.

Notice of motion for 15.11.2021.

Learned State counsel, on instructions from ASI Baljit Singh, does not deny that the injury attributed to the petitioner with 'dang' is simple in nature. Further, learned State counsel concedes that the petitioner had got a FIR lodged against the complainant with regard to the death of his son as well as that the present FIR was got registered after a period of 14 days of the incident.

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

Keeping in view the facts & circumstance of this case narrated hereinbefore and the fact that the injury attributed to the petitioner is simple in nature and there is already litigation going on between the parties, the petitioner has made out a case for the grant of anticipatory bail, especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he 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 him from disclosing the said facts to the Court or to any police officer.*

- (iii) *That he shall not leave India without prior permission of the Court.*
- (iv) *That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Mohinder Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and the challan has been submitted and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 19.08.2021 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.

November 15, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No