

Gurnam Singh Johal

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Dr. Rau P.S.Girawar, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

On 26.08.2021, the following order had been passed by this
court:-“Case heard *via* video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.179, dated 20.07.2021, having been registered at Police Station Chattiwind, Amritsar Rural, alleging therein the commission of offences punishable under Sections 379-B, 341 and 323 of the IPC.

Learned counsel for the petitioner submits that the dispute actually arises out of overloading of trucks etc., which the petitioner and his companions are campaigning against all over Punjab (as contended) and that in any case the truck in question was parked in a parking area and the question of snatching anything does not arise.

Without making any comment on the actual merits of those contentions, notice of motion is issued. Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court.

A gazetted officer is directed to file a detailed reply to the petition.

Adjourned to 12.10.2021.

In the meanwhile, the petitioner is directed to join investigation within one week and upon him so joining, in case he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all 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 Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Pursuant to the aforesaid order, learned State counsel submits, on instructions from ASI Harpal Singh, that the petitioner has joined investigation and presently at least his custodial interrogation is 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.

October 12, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO

Whether Reportable : YES/NO