

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

203

CRM-M-34020-2020

Date of decision: 15.03.2021

Noni

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashdeep Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.0051 dated 17.09.2017 registered at Police Station GRP Pathankot, Police District Government Railway Police, District Gurdaspur under Sections 379-B and 411 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") to which Sections 420 and 473 of the IPC were added lateron.

While issuing notice of motion on 02.11.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Subsequent to his arrest the petitioner was granted regular bail vide order dated 11.01.2018 but at the time of filing of challan Sections 420 and 473 of the IPC have been added. There is apprehension of arrest of the petitioner for the same and he may be granted anticipatory bail."

Notice of motion.

Pursuant to supply of advance copy, Mr. H.S. Multani, Asstt. AG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State counsel seeks time to file reply.

Adjourned to 01.12.2020.

In the meanwhile, the petitioner is directed to surrender before the trial Court within fifteen days from today and on such surrender the trial Court is directed to release the petitioner on interim bail on furnishing of bail bonds by him to its satisfaction."

The petition has been opposed by the learned State Counsel in terms of short reply filed by way of affidavit of Ashwani Kumar, PPS, Deputy Superintendent of Police, Government Railway Police, Pathankot, District Pathankot.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 02.11.2020, the petitioner surrendered before the trial Court and was released on interim anticipatory bail on furnishing of bail bonds to its satisfaction. Custodial interrogation of the petitioner is not required in the case and he may be granted anticipatory bail.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that custodial interrogation of the petitioner is not required in the case as Sections 420 and 473 of the IPC were added after grant of regular bail to the petitioner.

Keeping in view the facts and circumstances of the case and the fact that custodial interrogation of the petitioner is not required in the case as Sections 420 and 473 of the IPC were added after grant of regular bail, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 02.11.2020 granting interim bail to the petitioner is made absolute in terms thereof subject to compliance of conditions enumerated in Section 438 (2) of the Cr.P.C.

15.03.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No