

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-40719 of 2021
Date of Decision : 06.12.2021

Jagdish Singh @ Deesa Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mohd. Jameel, Advocate for the petitioner.

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

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 335 dated 04.07.2020, registered under Sections 353, 332, 341, 186, 506 read with Section 34 IPC at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.09.2021. Order dated 29.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 335 dated 04.07.2020, registered under Sections 353, 332, 341, 186, 506 read with Section 34 IPC at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner argues that the only allegation against the petitioner is that one Preet Kaur wife of Nirmal Singh had called the police and complained that three persons, namely, Pala Singh s/o of Darshan Singh, petitioner Deesa Singh s/o Tara Singh as well as one Baljit Singh s/o Bhagwan Singh were abusing and threatening her and the

police party reached at the spot. Learned counsel for the petitioner submits that as per the allegation in the FIR, co-accused Baljit Singh had the alleged fight with the police official and nothing has been attributed to the petitioner and, therefore, petitioner has wrongly been implicated in the present FIR without there being any allegation against him. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate with the same.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that the petitioner was present at the spot though, in the FIR, the allegations are against co-accused, namely, Baljit Singh of having a fight with the police official and manhandling them.

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

Keeping in view the fact that the petitioner is ready to join the investigation and cooperate and there is nothing to be recovered from him and the allegation of quarrel and fight with the police is against co-accused, Baljit Singh, the petitioner has made out a case for the grant of anticipatory bail.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

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 his/her satisfaction 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.*

Adjourned to 06.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel on instructions from ASI Jagdish Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 29.09.2021 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.

December 06, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*