

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM No. M-40947 of 2021
Date of Decision : 06.12.2021

Jaskaran Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amit Dhawan, 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. 78, dated 12.09.2021, registered under Sections 323, 365, 148, 149, 341 IPC at Police Station Division No. 4, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 30.09.2021. Order dated 30.09.2021 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.78, dated 12.09.2021, registered under Sections 323, 365, 148, 149, 341 IPC at Police Station Division No. 4, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner argues that all the offences except Section 365 IPC are bailable and the allegation that the complainant was abducted by the petitioner, is yet to be proved during the trial. Learned counsel for the

petitioner submits that nothing is to be recovered from the petitioner as of now and, therefore, the petitioner, who is ready to join the investigation and cooperate, be granted the benefit of anticipatory bail.

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. Mr. Bharat Puri, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel concedes that the injuries suffered by the complainant are simple in nature.

Learned counsel appearing on behalf of the complainant argues that there is an old enmity between the parties and, therefore, the complainant was being threatened, for which, even an application was submitted by the complainant before the police authority for the grant of protection but as nothing was done by the police, the complainant had suffered the abduction as well as the injuries hence, custodial interrogation of the petitioner is necessary for conducting proper investigation into the allegations alleged in the FIR.

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

Once, all the Sections invoked in the FIR except Section 365 IPC are bailable and the allegation in respect to Section 365 IPC is yet to be proved in the Court of Law and the complainant concededly has suffered the simple injuries, the purpose of investigation will be achieved in case, petitioner is directed to join the investigation and cooperate.

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 Sucha 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 30.09.2021 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

not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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