

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-41402 of 2021

Date of Decision : 20.12.2021

Sapandeep Rajdai @ Ashu

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Akbarjit Singh, 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. 078 dated 12.09.2021 registered under Sections 323, 365, 148, 149, and 341 IPC at Police Station Division No. 4, Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 04.10.2021. Order dated 04.10.2021 is as under:-

“CRM-32973-2021

The application is allowed, as prayed for.

CRM-M-41402-2021

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.078 dated 12.09.2021 registered under Sections 323, 365, 148, 149, and 341 IPC at Police Station Division No.4, Jalandhar.

Learned counsel for the petitioner submits that in the present case, except Section 365 IPC, all other Sections involved in the FIR are bailable and the injuries attributed to the petitioner to have been inflicted upon the victim/complainant, are simple in nature. Learned counsel for

the petitioner further submits that the factum that the victim/complainant was abducted or not, is not a matter of evidence, which is already before the Investigating Agency. Learned counsel for the petitioner further submits that a similarly situated co-accused namely Jaskaran Singh has already been extended the benefit of anticipatory bail in CRM-M-40947-2021.

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 counsel for the respondent-State concedes that the allegations against the petitioner as well as the similarly situated co-accused namely Jaskaran Singh, who has been extended the benefit of bail, are identical and further the injuries attributed to the petitioner, which have been inflicted upon the victim are simple in nature.

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

Once, the similarly situated co-accused has already been extended the benefit of anticipatory bail, the petitioner is also entitled for the same, unless and until any differentiating fact between the petitioner and the said co-accused brought to the notice of this Court.

In the present case, learned counsel for the respondent-State has conceded that the allegations alleged upon the petitioner as well as co-accused are identical.

Keeping in view the facts recorded hereinbefore, the petitioner has made out a case for the grant of anticipatory bail especially when the petitioner has undertaken before this Court to join the investigation and cooperate with the same.

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 01.12.2021.

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 Jagtar 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 04.10.2021 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 20, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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