

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-36827 of 2020
Date of Decision: 05.02.2021

Dharminder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. M. S. Virk, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.84, dated 26.08.2020, having been registered at Police Station Singh Bhagwantpur, District Rupnagar, alleging therein the commission of offences punishable under Sections 323, 324 and 452 of the IPC, read with Section 34 thereof.

On 26.11.2020, the following order had been passed, with the petitioner ordered to be admitted to interim bail upon joining investigation, vide the order earlier passed on 10.11.2020:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Pursuant to the order dated 10.11.2020, the State counsel has

forwarded to the Reader of this court, by way of a “Whatsapp” communication, a reply by way of an affidavit of the Deputy Superintendent of Police, BRS, Rupnagar, from which she submits that the allegation that the petitioners' 13 years old daughter was molested has been found to be false and that the injuries received by the petitioner were found to be simple (with only a bruise and a complaint of a pain), whereas the allegation against the petitioner is that he and his co-accused entered the house of the complainant thereby committing an offence punishable under Section 452 of the Cr.P.C., and that they inflicted injuries, (one with a gandasi) on the complainant and his brother, with them also having pushed their mother against a wall, but with all injuries found to be simple.

Learned counsel for the petitioner on the other hand points to paragraph 3 of the reply on merits to submit that in fact the complaint made by the petitioners' mother is still being investigated by the SP, Detective, Rupnagar.

Adjourned to 05.02.2021.

The reply of the SP, Detective, with regard to his investigation, be filed before that date.

Interim order to continue, the next date of hearing only.”

Though even today no reply of the SP, Detective, has been filed, however learned State counsel submits, on instructions from ASI Harbans Singh, that the petitioner having joined investigation, 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.

February 05, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No