

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204-A)

CRM No. M-42383 of 2021(O&M)
Date of Decision : 20.12.2021

Himanshu Rajdai

....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)

CRM No. 33870 of 2021

Application is allowed, as prayed for.

CRM-M-42383-2021

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 08.10.2021. Order dated 08.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner 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 the petitioner has wrongly been involved in the present case and the allegations alleged by the complainant, are in fact, false. Learned counsel for the petitioner further submits that all the Sections, except Section 365 IPC, invoked in the present FIR are bailable and with regard to the allegations of kidnapping, for which Section 365 IPC has been invoked, are yet to be proved. Learned counsel for the petitioner further submits that similarly situated co-accused namely Sapandeep Rajdai @ Ashu and Jaskaran Singh have already been extended the benefit of anticipatory bail and therefore, on the ground of parity, the petitioner be extended 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.

Learned counsel for the respondent-State concedes that the allegations against the petitioner and co-accused Sapandeep Rajdai @ Ashu and Jaskaran Singh are similar in nature and they have been extended the benefit of anticipatory bail.

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

Keeping in view the facts and circumstances of the present case and once, the similarly situated co-accused Sapandeep Rajdai @ Ashu and Jaskaran Singh have been extended the benefit of anticipatory bail, the petitioner 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 01.12.2021.

To be heard along with CRM-M-41402-2021.

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 08.10.2021 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