

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207-2)

CRM No. M-43539 of 2021
Date of Decision : 06.12.2021

Tarun

....Petitioner

Versus

State of Punjab

.....Respondent

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. 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 10.11.2021. Order dated 10.11.2021 is as under:-

"CRM-34885-2021

As prayed for, the application is allowed.

CRM-M-43539-2021

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

present is a case where the petitioner has wrongly been involved and a bare perusal of the allegations recorded in the FIR shows that the same have only been alleged to implicate the petitioner falsely. Learned counsel for the petitioner further submits that except Section 365 IPC, all the other sections invoked in the FIR are bailable and with regard to the allegations of kidnapping of the complainant, the said allegations are yet to be proved and as nothing is to be recovered from the petitioner, the petitioner may kindly be extended the benefit of anticipatory bail, especially in view of the fact that similarly situated co-accused namely Jaskaran Singh and Sapandeep Rajdai @ Ashu, have already been extended the benefit of anticipatory bail by this Court.

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 does not dispute the fact that similarly situated co-accused namely Jaskaran Singh and Sapandeep Rajdai @ Ashu have already been extended the benefit of interim bail by this Court in CRM-M-40947-2021 and CRM-M-41402-2021 respectively and the allegations alleged against the petitioner and the co-accused namely Jaskaran Singh and Sapandeep Rajdai @ Ashu are similar in nature.

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

As the similarly situated co-accused namely Jaskaran Singh and Sapandeep Rajdai @ Ashu, have already been extended the benefit of interim bail, the petitioner is also extended the same benefit on the ground of parity 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 06.12.2021.

To be heard along with CRM-M-40947-2021.

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 10.11.2021 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
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

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