

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

**207**

**CRM-M-39533-2020  
Date of decision : 22.07.2021**

Kulwant Singh @ Laddu

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Neeraj Madaan, Advocate  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab  
for respondent No.1-State.

None for respondent No.2/complainant.

\*\*\*\*

**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.177 dated 04.09.2020 registered under Sections 420, 171 and 120-B of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station Khuhi Khera, District Fazilka.

While issuing notice of motion on 27.11.2020, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

*"Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The FIR was registered against Kala Singh and his paternal*

*uncle. The petitioner was not paternal uncle of Kala Singh. There is undue and unexplained delay of about 7 months in lodging of the FIR. Co-accused Mangal Singh has been granted interim anticipatory bail by this Court vide order dated 23.11.2020 passed in CRM-M-36697-2020. The petitioner is ready to join the investigation.*

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of respondent No.1-State.

Learned State Counsel seeks time to file reply.

Adjourned to 14.01.2021.

Notice to respondent No.2 be issued for that date and notice be also given dasti, if so desired.

*In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him."*

The petition has been opposed by respondent No.1-State in terms of reply filed by way of affidavit of Sh. Jasbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Fazilka.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the petitioner has, while reiterating submissions made on 27.11.2020, submitted that in compliance with order dated 27.11.2020, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has acknowledged that in compliance with order dated 27.11.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, role attributed to him, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 27.11.2020 granting interim anticipatory bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

**22.07.2021**

Kothiyal

**(ARUN KUMAR TYAGI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No