

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.39680 of 2020
Date of Decision: January 28, 2021

Rajwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Ravinderjit Singh Dhaliwal, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.75 dated 30.09.2020, under Sections 452, 324, 323, 148, 149, 506 IPC, 1860 and Sections 326 and 307 IPC (added later on), registered at Police Station, Kotfatta, District Bathinda. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 03.12.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel submits that in the alleged occurrence, the

injuries were suffered by his co-accused Kulwant Singh also and cross-version was also recorded through DDR No.2. He further submits that initially the FIR was registered for the offences punishable under Sections 323 and 324 of IPC and subsequently the offences punishable under Sections 326 and 307 of IPC were added on 28.10.2020. According to him, the injuries on the person of Harbans Singh were not on vital parts of his body and, therefore, in the given facts, his custodial interrogation may not be necessary. He has also invited the attention of the Court to the order dated 19.11.2020 (Annexure P-3), whereby co-accused has been granted interim pre-arrest bail.

Notice of motion for 28.01.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

At this stage, Mr. Ravinderjeet Singh, Advocate, appears and accepts notice on behalf of the complainant.

To be heard along with CRM-M-38069-2020. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from SI Gurvinder Singh, further states that the petitioner is not required for

custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 03.12.2020 is made absolute.

January 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No