

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-45648 of 2021

Date of Decision:17.12.2021

Anil Kumar

..... Petitioner

Versus

State of U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Kumar, Advocate,
for the petitioner.

Mr. Amit Kumar Goyal, A.P.P. U.T. Chandigarh.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 01.11.2021 the following order had been passed by this court:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 151 having been registered at Police Station East Sector 26, Chandigarh on 04.09.2020, alleging therein the commission of offences punishable under the provisions of Sections 379/356/411 of the IPC (with Section 379-A of the IPC having been added later).

Learned counsel for the petitioner submits that upon the FIR initially having been registered alleging therein the commission of offences punishable under the provisions of Sections 379/356/411 of the IPC, the petitioner was admitted to bail under the provisions of Section 439 of the Cr.P.C. by the learned Additional Sessions Judge, Chandigarh, as per the order dated 05.11.2021 (copy Annexure P-2).

Thereafter, upon Section 379-A of the IPC having been added at the time that the report under the provisions of Section 173 (2) of

the Cr.P.C. was filed, there would be no reason to deny him the concession of anticipatory bail even in the context of the added offence, obviously, there being no recovery to be made from him at this stage.

Notice of motion.

On the asking of the court, Mr. Amit Kumar Goyal, A.P.P. U.T. Chandigarh, appears and accepts notice on behalf of the respondent-State.

A copy of the petition be emailed to learned counsel for the U.T. Chandigarh by counsel for the petitioner today itself.

He submits that as per his instructions, the petitioners' custodial interrogation at this stage, is not required.

That being so, upon the petitioner surrendering before the trial court within one week from today, he would be admitted to interim bail upon his furnishing adequate bail and surety bonds to the satisfaction of that court, till the next date of hearing before this court.

Adjourned to 17.12.2021.

In the meanwhile, a gazetted officer is directed to file a reply to the petition, stating therein as to whether the custodial interrogation of the petitioner is required or not.”

Today an affidavit dated 15.12.2021, executed by the DSP, Crime, U.T. Chandigarh, has been filed, which is ordered to be taken on record.

As per the said affidavit, the petitioner having been admitted to bail by the learned Addl. Sessions Judge, Chandigarh, even as regards the offence punishable under Section 379-A of the IPC, he having joined investigation, his custodial interrogation is not required presently.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 01.11.2021 made absolute, on the

same terms and conditions.

December 17, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No