

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201)

CRM-M-471 of 2021

Date of Decision: 22.03.2021

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Ms. Meenu Verma, Advocate, for the petitioner.
Mr S.S. Deol, DAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On January 01, 2021, the following order had been passed:

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.P., upon FIR no.31, dated 16.03.2020, having been registered at Police Station Baghapurana, District Moga, alleging therein the commission of offences punishable under Sections 379-B of the IPC as also Section 25/27 of the Arms Act, 1959.

Learned counsel for the petitioner points to the order passed by this court on October 12, 2020 in the case of co-accused Rajinder Singh (in CRM-M-29634 of 2020, copy Annexure P-3), wherein the said co-accused was admitted to interim bail on the contention raised that he had been declared to be a proclaimed offender in July 2020 at the peak of the pandemic.

It is further seen that the interim order passed by this court in that petition, i.e. CRM-M-29634 of 2020, was made absolute on December 14, 2020, on a statement made on behalf of the investigating agency that the custodial interrogation of that accused is not required after he joined investigation.

Notice of motion.

Mr. Saurav Khurana, learned DAG, Punjab, accepts notice at the asking of the court.

A copy of the petition be e-mailed to learned State counsel today itself.

The fact that the present petitioner was also declared to be a proclaimed offender in July 2020, is not denied by Mr. Khurana as per his instructions, and consequently, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and if, upon him so joining, he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this court.

Adjourned to 22.03.2021.”

Today, learned State counsel, on instructions, submits that the petitioner in this petition has joined investigation and presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

22.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No