

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

206 (2)

**CRM-M-44440-2020
Date of decision: 06.04.2021**

RANJODH SINGH @ JODHA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Rana Harjasdeep, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 114 dated 18.07.2020 registered under Sections 148, 323, 324 and 326 read with Section 149 of the Indian Penal Code, 1860 at Police Station Dera Baba Nanak, District Gurdaspur.

Vide order dated 01.01.2021 the Co-ordinate Bench of this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the above said order reads as under:

“Counsel places reliance upon pendency of Crl. Misc. M-26104 of 2020 and the interim order passed in the said case, which is now pending for 03.02.2021. It is submitted that the petitioner is identically situated as the sua blow attributed to him has not caused any grievous

injury. It is submitted that the petitioner is the employee of the liquor contractor whereas the complainant side, had sat and consumed liquor after bringing it from outside and then started fighting with the petitioner and other employees.

Notice of motion.

Mr. R.S. Thind, DAG, Punjab accepts notice on behalf of the State.

Adjourned to 03.02.2021.

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 the learned State Counsel. However, no reply has been filed by the respondent-State.

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

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 01.01.2021, 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, on instructions from ASI Sakatar Singh, acknowledged that in compliance with order dated 01.01.2021 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required in the present case.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, 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 01.01.2021 granting interim 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.

06.04.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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