

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

201

**CRM-M-43779 of 2019
Date of Decision:07.10.2021**

Madan Gopal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R. S. Bajaj, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.210, dated 31.08.2019, having been registered at Police Station Division No.6, Ludhiana, alleging therein the commission of offences punishable under Sections 420, 465, 468, 471 of the IPC.

Learned State counsel submits, on instructions from ASI Paramjit Singh, that the petitioner has joined investigation pursuant to the order dated 12.08.2021 and presently his custodial interrogation is not required.

Though counsel for the complainant is not present, it being well past 4:00 p.m., however in terms of the ratio of the judgment of the Supreme Court in

M.C. Abraham v. State of Maharashtra (2003) 2 SCC 649, once the investigating agency itself does not require the custodial interrogation of the petitioner, this court in any case would not order his arrest.

Consequently, on the aforesaid statement made, this petition has 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 would be always at liberty to avail of his remedy as per law.

October 07, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No