

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

206

**CRM-M-54421-2019
Date of decision: 19.07.2021**

GURDEV SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gagandeep Singh Sirphikhi, 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. 56 dated 16.07.2017 registered under Sections 420, 465, 466, 468, 471 and 120-B of the Indian Penal Code, 1860 at Police Station Dera Baba Nanak, Police District Batala.

Vide order dated 19.12.2019 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:

“It is, inter alia, contended that the parties had settled the dispute between them by virtue of compromise dated 2.9.2017. The parties filed a quashing petition and this Court directed them to get their statements recorded

before the trial Court. However, the complainant resiled from the compromise as a result of which the FIR could not be quashed. The statement of the Investigating Officer was recorded by the trial Court on the date fixed for recording of statements i.e. 11.3.2019, in which it has been stated that the petitioner was declared innocent during the inquiry.

Notice of motion for 20.2.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 26.12.2019 at 10:00 A.M. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

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 19.12.2019, 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 Sukhwinder Singh, acknowledged that in compliance with order

dated 19.12.2019 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 19.12.2019 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.

19.07.2021

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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