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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.3026 of 2021 (O&M)
Decided on: 14.03.2022

Jaspal Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Abhishek Kumar Premi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.172 dated 29.11.2020, under Sections 324, 341, 323, 506, 34 IPC (Section 326 IPC added later on), registered at Police Station Shambu, District Patiala.

The operative part of the order dated 20.01.2022, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that co-ordinate Bench of this Court vide order dated 18.2.2021 had stayed the arrest of the petitioner and as the parties intended to amicably settle their dispute, which effort, later on, failed. Learned counsel submits that the petitioner is ready to join the investigation and cooperate even with regard to recovery of weapon attributed to him in the FIR.

Learned State counsel submits that in case, the

petitioner cooperates in recovering the alleged weapon, the State will not oppose the prayer of grant of anticipatory bail to the petitioner at this stage.

I have heard learned counsel for the parties and gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case where, the arrest of the petitioner has already been stayed by the coordinate Bench of this Court and as the petitioner has undertaken before this Court to join the investigation and cooperate even in respect of recovering of the alleged weapon attributed to him, the case for grant of anticipatory bail to the petitioner is made out as the said act will achieve the purpose of investigation.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 14.3.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the

custody of the petitioner in case, the same is needed....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 20.01.2022, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has submitted that the petitioner, in terms of the order dated 20.01.2022, has joined the investigation, however, as per the report of the Mediator, no amicable settlement could be arrived at between the parties.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 20.01.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2022
yakub

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