

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-4915-2022
Decided on : 05.04.2022

Surinder Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 127 dated 12.10.2021 under Sections 436, 427, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station Chhabbewal, District Hoshiarpur.

On 07.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 127 having been registered at Police Station Chabberwal, District Hoshiarpur, on 12.10.2021, alleging therein the commission of offences punishable under the provisions of Sections 436/427/506/120-B of the IPC.

Learned counsel for the petitioner submits that the

allegations made by the complainant, who is the petitioners' brother, are only on account of other litigation ongoing between them and that even earlier different FIRs were registered, in the context of which the petitioner has been acquitted, with the petitioner and his brother both being actually residents of the United Kingdom but with the petitioner presently being in India and with the complainant having got the complaint registered and then having gone back to England.

Though it is to be noticed that in the order of the learned Sessions Judge, Hoshiarpur, dismissing a similar petition filed before that court, it has been observed that there were photographs also available of trees having been uprooted, without making any comment on the actual merits of the case, notice of motion is issued.

On the asking of the court, Mr. Sauravh Khurana, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the petition be emailed to learned State counsel by counsel for the petitioner today itself.

He seeks time to take instructions.

Adjourned to 05.04.2022.

In the meanwhile, upon the petitioner joining investigation within one week, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilqa Magistrate.

He shall also comply with the 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 Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation,

in terms of the order of this court.

February 07, 2022

*(AMOL RATTAN SINGH)
JUDGE ”*

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and is not involved in any other case.

Learned State counsel, on instructions from ASI Rakesh Kumar, has submitted that the petitioner has joined the investigation on 13.02.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 07.02.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 07.02.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**(VIKAS BAHL)
JUDGE**

05.04.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No