

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

203

CRM-M-7361-2022

Date of Decision:02.05.2022

Parvinder Singh alias Jhony

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

**Present: Mr. Ishan Gupta, Advocate,  
for the petitioner.**

**Ms. A.K. Khurana, D.A.G., Punjab.**

**Mr. D.R. Punia, Advocate,  
for the complainant.**

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**VINOD S. BHARDWAJ , J.(Oral)**

The petitioner has approached this Court under Section 438 read with Section 482 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.233 dated 08.11.2021 under Section 306 of the Indian Penal Code, registered at Police Station Tibba, District Ludhiana.

Memorandum of Appearance filed on behalf of the complainant today in the Court, is taken on record.

Learned counsel for the petitioner has submitted that pursuant to the order dated 22.02.2022 passed by this Court, the petitioner has joined the investigation.

Learned State Counsel on instructions from ASI Sukhdev Singh affirms the aforesaid assertion made by learned counsel for the petitioner and submits that the custodial interrogation of the petitioner is not required.

Learned counsel appearing on behalf of the complainant places

reliance upon the judgment of this Court in the matter of **Gagan Inder Singh Versus State of Haryana**, 2020(3) R.C.R. (Criminal) 305, to contend that pre-arrest bail is to be granted in very exceptional circumstances and not in routine and that the purpose is to protect the innocent persons from harassment and inconvenience and not to shield the guilty persons and criminals from custodial interrogation by the Investigating Agency.

It is worthwhile to mention here that the Hon'ble Supreme Court in case **Siddharth Versus State of Uttar Pradesh and another**, (2022) 1 Supreme Court Cases 676, has held that custodial interrogation of an accused is not to be sought unless there are reasons that would mandate custodial interrogation and when an apprehension is expressed by the police that the accused is likely to temper with the evidence or is likely to abscond or where the nature of offence is heinous and where material recoveries are to be effected. The police should justify the necessity of custodial interrogation of a petitioner. The power to arrest must justify the need to arrest.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required, the present petition is allowed and the interim order dated 22.02.2022, is hereby made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

May 02, 2022  
seema

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No