

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-10502-2022
Decided on : 05.04.2022

Arminster Singh @ Happy Bhatti

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rajan Bansal, Advocate for
Mr. Ashish 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. 36 dated 12.02.2022 under Sections 420 and 506 of the Indian Penal Code, 1860 registered at Police Station City Kotkapura, District Faridkot.

On 11.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner, inter alia, contends that in the present case, notice dated 16.02.2022 under Section 41-A of the Cr.P.C. was issued by the Investigating Officer and in the said notice, it was mentioned that he was not proposing to arrest the petitioner 'as of now'. It is submitted that the petitioner had filed anticipatory bail application before the Additional Sessions Judge, Faridkot, which was dismissed only on account of the fact that notice

under Section 41-A of Cr.P.C. was issued against the petitioner. Learned counsel for the petitioner has submitted that the petitioner is ready to join and cooperate with the investigation, but has a reasonable apprehension, after reading the wordings of the said notice under Section 41-A of Cr.P.C., as well as on account of the fact that now the time period as stipulated in the notice for the petitioner to appear in the investigation has also elapsed and thus, prays that in case the protection is granted, the petitioner would cooperate with the investigation.

Notice of motion for 01.04.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation on 17.03.2022 at 11.00 AM and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

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 Nirmal Singh, has submitted that the petitioner has joined the investigation on 17.03.2022 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 11.03.2022 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 11.03.2022 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?	Yes/No
Whether reportable?	Yes/No