

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

CRM-M-14924-2022

Reserved on: 03.08.2022

Pronounced on: August 23 2022

Anil Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Dheeraj Mahajan, Advocate
for the petitioners.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
42	26.03.2022	Dinanagar, District Gurdaspur	420, 465, 467, 468, 471, 511, 120-B IPC of 1860

1. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 08.04.2022, the petitioners were granted interim protection, which is continuing till date.
3. The allegations pertain to a failed attempt to encash a sum of Rs. 4,91,00,000/-
4. Ld. Counsel for the petitioners contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioners and their families.
5. Ld. counsel representing the State opposes bail.

REASONING:

6. The petitioners were granted interim protection, and during the interregnum, there is no allegation that he had intimidated the victim or victim's family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, they did not appear before the investigator. Even a prima facie perusal of paragraph 4 to 7 of the bail petition needs consideration for bail. Given the above, there

would be no justification to discontinue the interim protection, and the order dated 08.04.2022 is made absolute subject to the petitioners complying with the terms of the bail order and the following additional conditions.

7. The petitioners are directed to join the investigation within seven days and also as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioners shall not be called before 8 AM, let off before 6 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. Till the completion of the trial, the petitioners shall not contact, call, text, message, remark, stare, stalk, make any gestures or express any unusual or inappropriate, verbal or otherwise objectionable behavior towards the victim and victim's family, either physically, or through phone call or any other social media, through any other mode, nor shall unnecessarily roam around the victim's home. ***If the petitioners fail to comply with these condition, then on this ground alone, the bail might be canceled, and the complainant may file any such application for the cancellation of bail, and State shall file the said application.***

9. The conditions mentioned above imposed by this court are to endeavour that the accused does not repeat the offence and to ensure the safety of the witnesses, victim, and their families. In Mohammed Zubair v. State of NCT of Delhi, Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

10. The SHO of the concerned police station or the investigating officer shall arrange to send a copy of this order, preferably a soft copy, to the complainant and the victim, within two days. If the victim(s) notice any violation of this order, they may inform the SHO of the concerned police station, the trial court, or even this court.

11. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity*

and may download and use the downloaded copy for attesting bonds.

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

August 23, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.