

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

203

**CRM-M-24262-2021
Date of decision: 17.03.2022**

SATPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

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

Present : Mr. Mohit Sadana, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

VINOD S. BHARDWAJ. J. (Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

1. The instant petition has been filed under Section 438 Cr.P.C. for seeking concession of anticipatory bail in case FIR No. 0008 dated 09.01.2021 under Sections 420 and 120-B IPC registered at Police Station Vairo Ke, District Fazilka.
2. Pursuant to the order dated 23.02.2022, an affidavit on behalf of DSP had not been filed, however, in compliance to the directions so issued, Senior Superintendent of Police, Fazilka, Sh. Sachin Gupta, IPS has appeared before the Court through video conferencing.
3. Learned counsel for the petitioner contends that in compliance to the order passed by this Court, the petitioner has regularly joined the

investigation before the Investigating Officer and nothing is to be recovered from him.

4. It is however apprised by the learned State counsel as well as the Senior Superintendent of Police, Fazilka that the whereabouts of the other suspects is not yet known and they are yet to be arrested and it is thus requested that the interim orders passed in favour of the petitioner be not confirmed.

5. Learned counsel for the petitioner, however, controverts the same by arguing that there is no material on record to suggest that non-confirmation of the interim concession granted to the petitioner would actually result in an arrest of the remaining accused. Moreover, over a period of last 08 months during which the interim indulgence remained extended to the petitioner, there is no incriminating evidence that any of the remaining accused has been in contact with the petitioner. Accordingly he contends that in the absence of any prima facie material to show that the petitioner has remained in contact with the accused persons or that in the event of confirmation of the concession granted to the petitioner, there is no possibility of the other accused being apprehended, the request made by the Investigating Agency is not genuine and should be declined. It is only a ruse to keep the matter pending.

6. Having considered the rival submissions made by the parties and considering that the interrogation of the petitioner is not required for the purposes of investigating his role into the allegations leveled and that the Investigating Agency has to devise its own method and mechanism for ensuring arrest of the other accused persons rather than await disclosure by a

co-accused. I deem it fit and appropriate to confirm the interim order dated 14.07.2021.

Petition is disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 17, 2022
Vishal sharma

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