

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(208)

CRM-M-26049-2022
Date of decision: - 17.08.2022

Rajat Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Munish Puri, Advocate,
for the petitioner.

Ms. Bhavna Gupta, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.50 dated 19.05.2022, under Sections 436 and 120-B IPC, registered at Police Station Shahpurkandi, District Pathankot.

On 08.06.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The petitioner has approached this Court praying for the grant of anticipatory bail in case FIR No.50 dated 19.5.2022 registered under Sections 436/120-B IPC, at Police Station Shahpurkandi, District Pathankot.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR. He submits that the bone of contentions is the business of the complainant

and that of the petitioner. He submits that on 4.7.2019, the complainant sold his business of security cameras to the petitioner, however, lateron he started pressurizing the petitioner for returning the same, on which the dispute arose. He submits that both the petitioner and the complainant are neighbour and in order to take his business back, the complainant has falsely implicated the petitioner in the present case. He has submitted that the petitioner has no criminal antecedents and in view of the above, no case for custodial interrogation is made out, however, the petitioner is ready to join the investigation an abide by the terms and conditions of the anticipatory bail, if this Court considers his request for granting the same.

Notice of motion.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab accepts notice on behalf of the State.

Adjourned to 18.7.2022. Let the State file status report.

In the meantime, no coercive action shall be taken against the petitioner till the next date of hearing.

(RAJESH BHARDWAJ)
JUDGE

8.6.2022"

Thereafter, on 18.07.2022, this Court was pleased to pass the following order: -

"Learned State counsel has filed status report filed in the Court which is taken on record.

Adjourned to 17.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(VIKAS BAHL)
JUDGE

July 18, 2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the

investigation.

Learned State counsel, on instructions from ASI Balkar Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 08.06.2022 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 18.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

August 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No