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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32988-2020 (O&M)
Date of Decision:04.04.2022

Buta Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Salil Dev Bali, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.171 dated 08.09.2020 registered under Sections 454, 380, 506 and 120-B IPC at Police Station Nihal Singh Wala, District Moga, who apprehend their arrest at the hands of Police.

On 24.02.2022, this Court had passed the following order:

“The present petition has been filed on behalf of the petitioners for grant of anticipatory bail in FIR No.171, dated 08.09.2020, under Sections 454, 380, 506 and 120-B of the IPC, registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioners argues that the allegations which have been alleged against the petitioners in the present FIR are false and have been alleged only due to the ongoing dispute between the petitioner and the complainant. Learned counsel further submits that in the initial investigation conducted by the police, the Investigating Agency came to the conclusion that the allegations alleged against the petitioners are not substantiated and a cancellation report was also submitted by them, though the competent Court of law did not accept the said cancellation report and now the matter is still under investigation and as the petitioners

are ready to join the investigation and cooperate with the same, keeping in view the fact that co-ordinate Bench of this Court, while passing its order on 15.10.2020, had stayed arrest of the petitioners, no useful purpose will be achieved by sending the petitioners behind bars for custodial interrogation, keeping in view the facts and circumstances of the present case, hence they may kindly be extended the concession of anticipatory bail.

Learned State counsel concedes the factum that the Investigating Agency had earlier conducted the investigation and found nothing against the petitioners, but as the said view of the Investigating Agency did not find favour of the competent Court of law, so the present matter is still under investigation. Learned State counsel also agrees to the factum that nothing is to be recovered from the petitioners as of now and the purpose of investigation can be achieved in case the petitioners are directed to join the investigation and cooperate with the same.

Learned counsel for the complainant submits that the allegations alleged in the present FIR are perfectly correct and the initial findings of the Investigating Agency that the petitioners have done no wrong, was rejected by the competent Court of law, which prima facie proves the guilt of the petitioners, and therefore, their prayer for grant of anticipatory bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

While deciding prayer of the petitioners for grant of anticipatory bail, this Court has to opine as to whether the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate with the same or the custodial interrogation of the petitioners is necessary in the facts and circumstances of the present case.

In the present case, it is clear that the Investigating Agency has already conducted the investigation and found the petitioner innocent, though the said view of the investigating agency was not accepted by the competent Court of law and directed further investigation. As nothing is to be recovered from the petitioners as of now, this Court, without opining upon the innocence or guilt of the petitioners, feels that the purpose of investigation in the present case will be achieved by directing the petitioners to join the investigation and cooperate with the same.

In view of the above, petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer

on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) of the Cr.P.C.

Adjourned to 04.04.2022.

It is made clear that in case the petitioners do not cooperate with the investigation and the said fact is brought to the notice of this Court with cogent proof, the interim bail granted to them will liable to be reconsidered on the next date of hearing.”

Learned State counsel, on instructions from ASI Rajesh Kumar,

has stated that after completion of investigation, a cancellation report stands filed before the Court of competent jurisdiction and for the time being, the custodial interrogation of the petitioners is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 24.02.2022 is made absolute.

04.04.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No