

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

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CRM-M-39366-2021

Date of Decision: 09.02.2022

Surinder Pal Dhanda @ Surinder Dhanda ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.D.Rattewal, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.78, dated 14.04.2018, Police Station Phagwara, District Kapurthala, under Sections 307, 332, 353, 186, 295, 427, 148, 149 IPC, Sections 25 and 27 of Arms Act and Section 8-A of National Highway Act, 1956 (Sections 307, 295, 427 IPC, Sections 25 and 27 of Arms Act and Section 8-A of National Highway Act, 1956 deleted later on).
2. At the time of issuance of notice of motion on 22.09.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in case registered vide FIR No. 78, dated 14.4.2018, Police Station Phagwara, District Kapurthala, under Sections 307, 332, 353, 186, 295, 427, 148, 149 IPC, Sections 25

and 27 of Arms Act and Section 8-A of National Highway Act, 1956, (Sections 307, 295, 427 IPC, Sections 25 and 27 of Arms Act and Section 8-A of National Highway Act, 1956 deleted later on) wherein he has been ordered to be summoned vide order dated 18.1.2021 with the aid of Section 319 Cr.P.C.

Learned counsel for the petitioner submits that several FIRs were lodged on account of two mobs having indulged into arson and had damaged public property and wherein one person also died, while several others have been injured.

Learned counsel submits that in another identical matter i.e. FIR No.77, dated 14.4.2018, Police Station City Phagwara, District Kapurthala, wherein also the petitioner had been summoned with the aid of Section 319 Cr.P.C., the petitioner had already been granted bail vide order dated 16.9.2021 (Annexure P-5).

Learned counsel submits that the petitioner has now been summoned in the instant case after about 3 years of lodging of the FIR though he had initially been declared as innocent. It has been submitted that in any case since challan already stands presented and investigation is complete, the custodial investigation of the petitioner is not warranted.

Notice of motion for 9.2.2022.

At this stage Mr. Luvinder Sofat, AAG, Punjab accepts notice on behalf of respondent-State.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.

4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 22.09.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

09.02.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**