

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

207

**CRM-M-46291-2021
Date of decision: 30.03.2022**

NIRMAL SINGH

.....PETITIONER

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Veeraj Sharma, Advocate
for Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent/State.

Mr. Amandeep Saini, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 68 dated 05.10.2021 registered under Sections 379-B, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Balianwali, District Bathinda.

While issuing notice of motion on 03.11.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 03.11.2021 reads as under :-

“Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in this case. Petitioner was not present at the time and place of alleged occurrence. Injuries suffered by the complainant are simple in nature. Nothing is to be recovered from the petitioner. He is ready and willing to join the investigation.

Notice of motion.

Mr. Sukhbeer Singh, AAG, Punjab, accepts notice on behalf of the respondent-State.

List on 16.12.2021.

In the meanwhile, petitioner shall join the investigation within ten days and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 03.11.2021, submitted that in compliance with order dated 03.11.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Kuldeep Singh, acknowledged that in compliance with order dated 03.11.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 03.11.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall join the investigation as and when called

upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

30.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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