

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-48015 of 2021
Date of decision:14.03.2022

Varinder Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhawesh Chaudhary, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

This Court passed the following order on 16.11.2021:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.51 dated 25.07.2021 registered under Sections 452, 354, 294, 427, 506, 148, 149 of Indian Penal Code, 1860 at Police Station Patara, District Jalandhar (Annexure P-1).

Counsel for the petitioner submits that allegation levelled in the FIR is that on 24.07.2021, there was a fight between the co-villagers and when two ladies, who are related to the complainant, intervened, they were physically abused.

Counsel submits that there is no specific allegation of outraging the modesty of the said women against the petitioner and that the petitioner was granted interim bail by the learned Additional Sessions Judge, Jalandhar. However, he was not made to join the investigation, rather the Investigating Officer made a statement before the Court that the petitioner has not joined the investigation and consequently, his petition was dismissed, vide order dated 10.09.2021 (Annexure P-2). Counsel submits that the petitioner is ready to join the investigation and cooperate with the investigating agency.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the respondent-State. Upon instructions from ASI Bahadar Lal, he submits that five accused, including the petitioner have been named in the FIR and two of them have been arrested.

List on 14.03.2022.

In the meantime, the petitioner shall join the investigation on 06.12.2021 or any subsequent day as required by the Investigating Agency at Police Station Patara, District Jalandhar at 11.00 a.m.

In case, Investigating Officer does not make him join the investigation, he shall appear before the Illaqa Magistrate, who will summon Investigating Officer and make the petitioner

join investigation.

In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Upon instructions from SI Jaspal Singh, State counsel submits that the petitioner has joined the investigation, he is no longer required for custodial interrogation and he is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 16.11.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

March 14, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No