

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-51479 of 2021
Date of Decision : 09.02.2022

Kulwant Singh

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Kumar Bokolia, Advocate for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Rajinder Singh Rangpuri, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 80 dated 17.11.2021, registered for offences under Sections 323, 325, 341, 379-B, 511, 148 and 149 of the Indian Penal Code, 1860, at Police Station Lakhewali, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that in terms of order dated 10.12.2021 passed by this Court, the petitioner has joined the investigation. Order dated 10.12.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 80 dated 17.11.2021, registered under Sections 323, 325, 341, 379-B, 511, 148, 149 IPC at Police Station Lakhewali, District Sri Muktsar Sahib.

Learned counsel for the petitioner argues that the only

allegation against the petitioner is for inflicting injury on the face of the victim, for which, Section 325 IPC has been invoked, which is a bailable offence. Learned counsel for the petitioner submits that as far as the snatching part is concerned, the same is only attributable to co-accused Pritpal Singh and not to the petitioner. Learned counsel further submits that only a bailable offence has been attributed to the petitioner and the petitioner is ready to join the investigation and cooperate, therefore, he may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that though in the FIR, only the injury has been attributed to the petitioner and the snatching is attributed to co-accused, Pritpal Singh but as both of them were together, petitioner cannot evade the said act. Learned State counsel further submits that as the weapon is yet to be recovered from the petitioner, his custodial interrogation is necessary.

Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and cooperation and will also get the weapon recovered and, therefore, prayer of the petitioner for the grant of anticipatory bail may kindly be accepted.

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

Once, the petitioner is accused of an offence, which is bailable in nature and nothing has come on record that petitioner has snatched money from the victim and the petitioner is ready to join the investigation and cooperate

including with regard to the recovery of the weapon attributed to him, petitioner has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he 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 he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

Adjourned to 09.02.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has joined the proceedings through video conference, on instructions from ASI Harnek Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 10.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No