

CRM-M-53764-2021

Sanjeev Kumar vs. State of Punjab

CRM-M-54347-2021

Robin Kumar vs. State of Punjab and others

Present: Mr. Amit Kumar Walia, Advocate
for the petitioner in CRM-M-53764-2021

Mr. Mandeep Kumar Dhot, Advocate
for the petitioner in CRM-M-54347-2021

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Case heard *via* video conference.

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On 22.12.2021, the following order had been passed by this court:-

“Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.76, dated 09.11.2021, having been registered at Police Station Sherpur, District Sangrur, alleging therein the commission of offences punishable under Sections 458, 323, 120-B, 148, 149, 506 of the IPC (with Section 325 of the IPC added later).

Learned counsel for the petitioner submits that the only allegation against the petitioner is that he allegedly conspired with those who actually are stated to have attacked the complainant, on account of a money dispute with the brother of the complainant, and that therefore he deserves to be admitted to bail.

Notice of motion.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court, with Mr. Mandeep Kumar Dhot, Advocate, appearing for the complainant, and with him having produced some photographs in court showing the nature of injuries on the complainant, which are obviously, at least *prima facie*, seen to be grievous in nature.

He submits that the petitioner being the person behind the attack on the complainant, he does not deserve to be admitted to interim bail. Learned State counsel reiterates the same and further submits that another FIR stands registered against the petitioner, though he does not have the details thereof.

Having considered the matter at this stage only, the petitioner is directed to join investigation within one week and upon him so joining, in case he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty

Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A gazetted officer is directed to file a detailed reply to the petition stating therein as to what has been unearthed in the investigation so far.

Whether or not the interim order should continue beyond the next date of hearing, would naturally be seen upon a reply being filed by the State.

Adjourned to 28.02.2022”

Though no reply has been filed to the petition, learned State counsel submits, on instructions from ASI Davinder Dass, that the petitioner having joined investigation his custodial interrogation not required.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 22.12.2021, made absolute on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

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There being a huge problem in the network connection of learned counsel for the petitioner, adjourned to 30.03.2022.

A gazetted officer is directed to file a detailed reply to the petition well before the next date of hearing, failing which the SSP concerned shall be summoned to court.

A photocopy of this order be placed on the file of the connected case).

February 28, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**