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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53724-2021 (O&M)

Date of decision : 23.02.2022

MANJEET SINGH

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Aayush Goyal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.53 dated 20.09.2021, registered under Sections 379, 323, 325, 511 and 34 of IPC at Police Station GRP Bathinda, District Govt. Rly. Police.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 22.12.2021. Order dated 22.12.2021 is as under:-

The present petition has been filed under Section 438 Cr.P.C. for the grant of pre-arrest bail in FIR No.53 dated 20.09.2021, registered under Sections 379,323,325,511,34 of IPC at Police Station GRP Bathinda, District Govt. Rly. Police.

Learned counsel for the petitioner argues that in the initial complaint, the petitioner was not named and the allegations were against Lakhwinder Singh, Buta Singh and two unknown persons armed with the weapons. Learned counsel submits that after three days of the registration of the FIR, on the basis of the supplementary statement of the

complainant, the petitioner has been nominated. Learned counsel submits that nothing has come on record as to how and on what basis, the petitioner was nominated by the complainant later on. Learned counsel argues that no injury whatsoever has been attributed to the petitioner and rather, the allegation alleged in the FIR shows that the accused ran away without stealing anything. Hence, the petitioner, who is ready to join the investigation and cooperate with the same, be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 State counsel concedes the fact that initially the petitioner was not named but later on the complainant named the petitioner though, his role is yet to be established during the investigation. Learned State counsel concedes that as of now, no weapon or injury has been attributed to the petitioner and nothing is to be recovered from him.

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

Keeping in view the fact that the petitioner was nominated by the complainant later on, the reason for which is yet to come during the investigation coupled with the fact that the petitioner has not been attributed any weapon or injury and nothing is to be recovered from him, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation and cooperate with the same.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of their 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 23.02.2022.

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 also joined the proceedings through video conference, on instructions from ASI Satbeer Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 22.12.2021 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.

(HARSIMRAN SINGH SETHI)
JUDGE

23.02.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No