

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210

CRM-M-6829-2023

Date of Decision: 17.05.2023

Gurmeet Singh Brar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.S. Sidhu, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by SI Rajdeep Kaur)

JAGMOHAN BANSAL, J. (ORAL)

1. On 11.04.2023, the following order was passed:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 115 dated 20.12.2022, under Section 376 and 506 IPC, registered at Police Station SGN Dev Thermal Plant, District Bathinda.

Affidavit dated 6.4.2023 of Gulneet Singh Khurana, Superintendent of Police, Bathinda is taken on record. Registry is directed to tag the same at an appropriate place.

Learned Stated counsel pointing out reply submits that no dereliction in duty on the part of DSP alleged to be involved in the registration of FIR has been found. The relevant extracts of the reply read as

:-

“During enquiry nothing has come on record to show that Sh. Gurpreet Singh, PPS, DSP City-2 has played any role in the registration of this case or causing any change in the place of occurrence of the offence to the Police Station, Thermal's jurisdiction. It has also come out in the enquiry that for the last some period, petitioner Gurmeet Singh S/o Kirpal Singh resident of Bathinda and Harmandar Singh S/o Kirpal Singh are having dispute regarding division of property and due to this both the parties have filed application against each other. During the enquiry on these applications, action has been taken against the erring party in accordance with the law and in these actions Gurpreet Singh, PPS, DSP, City-2 Bathinda has no role and nothing has come on record to show that he had proceeded against any particular party or has been partial.(English translation of the enquiry report is being annexed with this report as Annexure R-1/T).”

Learned State counsel submits that arrest of the petitioner has been stayed, however, petitioner has not been directed to join investigation, thus, the investigating officer is unable to complete the investigation. The petitioner may be directed to join investigation.

By order dated 17.2.2023, the investigating officer was directed to refrain from taking coercive steps against the petitioner, however, the petitioner was not directed to join investigation.

The petitioner is directed to appear before investigating officer on 17.4.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall cooperate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 17.5.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.”

2. Learned State counsel submits that petitioner has joined investigation and no custodial interrogation is required.

3. In view of above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State

would be at liberty to move an application for cancellation of bail granted by this order.

5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

17.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>