

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-8978-2023

Date of Decision: 26.05.2023

Jugpreet Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Gurdeep Singh)

Mr. Ritesh Pandey, Advocate for respondent No.2

JAGMOHAN BANSAL, J. (ORAL)

1. On 02.03.2023, 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. 14 dated 26.01.2023, under Sections 376 and 506 IPC and Section 67-A of the Information Technology Act, 2000, registered at Police Station Dhariwal, District Gurdaspur.

Learned State counsel seeks two weeks time to comply with order dated 21.02.2023.

Adjourned to 20.03.2023.

In the meantime, investigating officer shall not take any coercive step against the petitioner.”

2. On 10.05.2023, 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. 14 dated 26.01.2023, under Sections 376 and 506 IPC and Section 67-A of the Information Technology Act, 2000, registered at Police Station Dhariwal, District Gurdaspur.

Short reply by way of affidavit dated 25.04.2023 of Rajbir Singh, Deputy Superintendent of Police, Rural District Gurdaspur is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the petitioner inter alia contends that police after completing investigation has filed challan. The petitioner has handed over his mobile phone to the investigating officer as directed by this Court vide order dated 26.04.2023.

Learned State counsel, on instructions from ASI Balbir Singh, submits that challan stands filed, however, petitioner has not joined investigation. With respect to mobiles, he submits that mobiles have been sent to FSL and report is still awaited.

Challan stands presented. It would be appropriate to direct the petitioner to join the investigation. Accordingly, the petitioner is directed to appear before investigating officer on 16.05.2023 and thereafter as directed by IO.

The petitioner shall cooperate the investigating officer.

Adjourned to 26.05.2023. Interim order dated 2.3.2023 to continue.”

3. Status report by way of affidavit dated 25.05.2023 of Rajbir Singh, P.P.S., Deputy Superintendent of Police Rural, District Gurdaspur filed on behalf of respondent-State is taken on record. Registry is directed to tag the same at appropriate place.

4. Learned State counsel submits that police report under Section 173 Cr.P.C. stands filed and after collecting further evidence supplementary police report would be filed in due course. She further submits that petitioner has joined investigation and no custodial interrogation of the petitioner is required.

5. Learned counsel for the complainant submits that police has acted in hurry in filing its report under Section 173(1A) Cr.P.C. The intent of the Investigating Officer was to defeat rights of the complainant.

6. Learned State counsel, on being confronted with aforesaid fact, submits that Section 173(1A) Cr.P.C requires that police report should be filed within 60 days from the date of registration of FIR, thus, Investigating Officer has filed its report on the basis of available evidence. Supplementary challan after complying with legal formalities would be filed, if any further evidence comes on record.

7. In view of above facts and circumstances, the petition is allowed and the interim protection granted to the petitioner vide order dated 02.03.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

8. 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.

9. 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

26.05.2023
Mohit Kumar

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