

CRM-M-18504-2023

-1- 2023:PHHC:071058

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18504-2023

Date of Decision:16.05.2023

HARJINDER SINGH

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Chandan Deep Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 17.04.2023 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. 08 dated 11.2.2023, under Sections 406 and 498-A of IPC, registered at Women Police Station, Bathinda.

Learned counsel for the petitioner inter alia contends that this Court vide order dated 12.04.2023 passed in CRM-M-16994-2023 has granted concession of interim bail to co-accused i.e. sister-in-law of the complainant. The petitioner is father-in-law of the complainant.

Notice of motion.

Mr. Amish Sharma, Asstt. A.G., Punjab, accepts notice on behalf of respondent No. 1-State.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law

*enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics**, (2013) 2 SCC 590, **Arnab Manoranjan Goswami V. State of Maharashtra**, (2021) 2 SCC 427, **Satender Kumar Antil V. CBI** (2022)10 SCC 51, **Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors.**, 2010 SCC Online SC 1375, **Shri Gurbaksh Singh Sibbia V. State of Punjab** (1980) 2 Supreme Court Cases 565, **Arnesh Kumar V. State of Bihar** (2014) 8 SCC 273, this Court is of the prima facie opinion that the petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 19.04.2023 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 co-operate 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 16.05.2023.

To be heard along with CRM-M-16994-2023.

Interim order in the same terms."

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

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 17.04.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

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.

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

16.05.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>