

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

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CRM-M-28768-2022

Date of Decision: 27.01.2023

Kulwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr.G.P.S. Bal, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Satnam Singh)

Mr. Vipin Mahajan, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

Mr. Vipin Mahajan, Advocate appeared on behalf of complainant and filed his Power of Attorney. The same is taken on record and Registry is directed to tag at appropriate place.

On 08.07.2022, the following order was passed:-

“The petitioner has approached this Court praying for grant of anticipatory bail in a case FIR No.48 dated 15.6.2022, registered under Sections 354 and 506 IPC, at Police Station Bhaini Mian Khan, Gurdaspur.

It has been contended by learned counsel for the petitioner that the occurrence in question has taken place about two years ago, whereas, the present FIR has been lodged after due deliberation. He has submitted that the complainant is a chronic litigant and on earlier occasion also, FIR No.120 dated 1.9.2020 was lodged on the basis of false and frivolous allegations. He submits that the present FIR is nothing but a tussle between the parties on account of

political rivalry. He submits that the allegations in the FIR are false and frivolous and by no stretch of imagination, offence under Section 354 IPC is attributed against the petitioner. He submits that the petitioner is a law abiding citizen and no case for custodial interrogation is made out, however, the petitioner is ready to join the investigation and abide by the terms and conditions of the anticipatory bail, if this Court considers his request for granting the same.

Notice of motion.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab, accepts notice.

Adjourned to 3.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(ii) That the petitioner 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 such facts to the court or to any police officer.

(iii) That the petitioner shall not leave India without prior permission of the court.”

Learned State counsel, on instructions from SI Satnam Singh, submits that no offence under Section 354 IPC is made out against the petitioner and offence under Section 506 IPC is non-cognizable in the State of Punjab, thus, Investigating Officer has recommended cancellation of the FIR. He further 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 bail granted to the petitioner vide order dated 08.07.2022 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

27.01.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*