

(214)

2023:PHHC:108797

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28324 of 2023

Date of Decision: August 22, 2023

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ravinder Singh, Advocate for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 01.06.2023, the following order was passed by this

Court:-

“Prayer in this petition is for grant of anticipatory bail in case FIR No.0094, dated 22.07.2021, registered at Police Station Balachaur, District SBS Nagar, under Sections 353, 186, 332, 148 and 149 of IPC.

FIR was lodged on the complaint of Constable Manish Kumar, as per which he was assaulted on duty by two persons coming on the bike, who also allegedly tore his uniform. In the FIR, the assaulters are named to be Satnam Singh @ Sonu and Kala sons of Balbant Ram @ Bant; it is also alleged that their father Balbant Ram @ Bant is also involved.

It is contended that the petitioner is nowhere named in the FIR, besides alleged occurrence took place on 15.07.2021, but the FIR was lodged on 22.07.2022 i.e. after unexplained delay of at least 7 days.

Notice of motion.

Mr. M.S. Nagra, Asstt. A.G., Punjab, accepts notice on behalf of respondent-State. Copy of paper book be supplied to him during the course of day.

Learned State counsel concedes the factual position to the effect that petitioner is not named in the FIR. However, it is pointed out by him that the name of the petitioner surfaced during investigation on the basis of DDR No.23, dated 18.09.2021.

It is thus evident that the name of the petitioner has surfaced during investigation after about 2 months on the supplementary statement of the complainant.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

Status report be filed on 22.08.2023.”

In compliance of the order dated 01.06.2023, status report by way of affidavit of Shri Sham Sunder, Deputy Superintendent of Police, Sub Division Balachaur, District Shaheed Bhagat Singh Nagar, has been filed on behalf of the respondent- State.

It is informed by learned State Counsel that in compliance of the order dated 01.06.2023, petitioner has since joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 01.06.2023 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

August 22, 2023

renu

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No