

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-30297-2022 (O&M)

Date of Decision: 28.03.2023

Rahul Alias Sabu

...Petitioner

Versus

State of U.T., Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Srishti Sharma, Advocate with
Mr. Gaurav Datta, Advocate for the petitioner
Mr. Sumit Jain, Addl. P.P., U.T., Chandigarh
(assisted by ASI Ashok, P.S. Sector 11, Chandigarh)
Mr. Sarfraj Hussain, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

The petitioner through instant petition under Section 438 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking anticipatory bail in FIR No.66 dated 22.06.2022 under Sections 354, 354-D of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station, Sector 11, Chandigarh.

On 08.02.2023, the following order was passed:-

"Learned State counsel submits that the petitioner has not joined investigation and he is involved in other cases.

Mr. Sarfraj Hussain, learned counsel for the complainant submits that petitioner is involved in

other cases, thus, he does not deserve concession of interim bail and he is threatening the prosecutrix.

*Meantime, keeping in mind 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**, at the first instance, the petitioner is directed to appear before Investigating Officer on **13.02.2023** and thereafter as directed by the Investigating Officer. 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 **28.03.2023**."*

Learned State counsel, on instructions from ASI Ashok, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 08.02.2023 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

28.03.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*