

2023:PHHC:142536

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

CRM-M-33049-2022

Date of Decision: 08.11.2023

HARMESH SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Rakesh Kumar, Advocate for
Mr. Kuldeep Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking anticipatory bail in the case bearing FIR No.100 dated 17.10.2021 under Sections 376/506/120-B IPC registered at Police Station Lakho Ke Behram, District Ferozepur.
2. On 15.09.2022, the following order was passed by the Coordinate Bench of this Court:-

“Status report by way of affidavit of Yadwinder Singh, PPS, Deputy Superintendent of Police, Guruharsahai, District Ferozepur filed by learned State counsel is taken on record.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in this case.

Learned State counsel, on the other hand, submitted that on the earlier occasion in the investigation carried out by the SHO, the petitioner was declared innocent. However, the same was not proved (sic. approved) by the higher authorities. He further submits that as there is no order for joining investigation, the case is under investigation.

After hearing counsel for the parties, the interim order dated 01.08.2022 is modified to the extent that 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:-

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

2) 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.

3) That the petitioner shall not leave India without prior permission of the court.

List on 08.12.2022.”

3. Status report by way of affidavit of Balkar Singh, Deputy Superintendent of Police, Guruharsahai, District Ferozepur on behalf of the respondent-State has been placed on record.

4. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

5. Learned State counsel, on instructions from ASI Gurkamaljit Kaur, submits that the petitioner has joined the investigation and his custodial interrogation is not required. Furthermore, the investigation of the case is complete and challan will be presented in the Court on completion of some formalities.

6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 15.09.2022, vide which the petitioner has been granted interim bail, is made absolute.

7. Petition is allowed.

08.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No