

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205 (03 cases)

CRM-M-45849-2023
Date of Decision:11.12.2023

Prince
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harlove Singh Rajput, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by ASI Gurbant Singh.

DEEPAK GUPTA, J.(ORAL)

On 14.09.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 121 dated 12.08.2023, registered under Section 307, 379-B, 364, 341, 323, 148, 149, 506 and 120-B of the Indian Penal Code at Police Station Jaito, District Faridkot (Annexure P-1).

It has been pointed out by counsel for the petitioner that the case against the petitioner is totally false and concocted. Even as per the story of the prosecution, the complainant was sent to the co-accused, namely, Surinder Singh alias Gagni for purchasing of drugs by one Constable - Khushwinder Singh. Although the said constable Khushwinder Singh is posted in the same police station, where the FIR in question has been registered, however, still he has not been arrested by the Police so far.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab

accepts notice on behalf of the respondent - State and seeks time to get instructions.

Adjourned to 19.10.2023.

Meanwhile, in the event of arrest, the petitioner be released on bail, subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The Superintendent of Police concerned shall file his affidavit with regard to arrest of Constable Khushwinder Singh, on the next date of hearing.”

Today learned State counsel, on instructions from ASI Gurbant Singh, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 14.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 11, 2023

Neetika Tuteja

**(DEEPAK GUPTA)
JUDGE**

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No