

CRM-M-941-2024
Date of decision: 14.02.2024

Bachitar SinghPetitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arshdeep Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.82 dated 24.10.2023 under Section 379 of IPC registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

On 10.01.2024, the following order was passed:-

‘The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.82 dated 24.10.2023 registered under Section 379 of IPC at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner inter alia contends that the FIR was lodged after a delay of two days and the petitioner has been falsely implicated. The maximum sentence provided under Section 379 IPC is three years under which thie present FIR was lodged. No notice under Section 41-A of Cr.P.C. was ever served upon the petitioner.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273** and **Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC***

OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 23.01.2024 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/ArrestingOfficer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct her to join the investigation, in terms of the order of this Court.

Adjourned to 14.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from ASI Anand Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 10.01.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

14.02.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No