

CRM-M-8586-2024

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-8586-2024 (O&M)

Date of Decision: 18.03.2024

AZADWINDER @ YADWINDER SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashutosh Sharma Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No. 167 dated 19.07.2019 registered under Sections 419, 420, 465, 466, 467, 468, 471, 472, 473, 474 and 120-B of Indian Penal Code at Police Station Islamabad, District Amritsar.

2. On 19.02.2024, following order was passed:

“In view of the resolution passed by High Court Bar Association, there is no representation on behalf of the petitioner.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 167 dated 19.07.2019 registered under Sections 419, 420, 465, 466, 467, 468, 471, 472, 473, 474, 120-B IPC at Police Station Nangal, District Rupnagar.

However, perusal of the pleadings indicate that the present FIR was lodged on the allegation that a forged medical certificate was prepared, on the basis of which sentence of the co-accused was suspended and the petitioner has been involved only on the ground that he was sharing the jail cell with the main accused Vicky. He is not beneficiary of the forged medical certificate and the case of the prosecution is based upon documentary evidence, which is already in the possession of the investigating agency, as such custodial interrogation of the petitioner is not required.

Notice of motion for 18.03.2024.

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 29.02.2024 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/Arresting Officer. 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 him to join the investigation, in terms of the order of this Court.

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.”

3. Learned State counsel on instructions from ASI ASI Sukhdev Singh, submits that in compliance of order dated 19.02.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 19.02.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

18.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No