

CRM-M-14670-2024

1

215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14670-2024
Date of Decision: 04.04.2024

Gurmail SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON’BLE MR. JUSTICE HARSH BUNGER

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

Ms. Sakshi Bakshi, AAG, Punjab.

HARSH BUNGER, J. (Oral)

1. Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.230, dated 19.03.2018, under Sections 120-B and 407 of the Indian Penal Code, 1860, at Police Station Focal Point, District Police Commissionerate Ludhiana.
2. Affidavit dated 03.04.2024 of Kuldeep Singh Chahal, IPS, Commissioner of Police, Ludhiana on behalf of respondent-State of Punjab has been filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.
3. On 21.03.2024 the following order was passed by a Co-ordinate Bench of this Court :-

“1. By way of present petition filed under Section 438

Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

<i>FIR No.</i>	<i>Dated</i>	<i>Sections</i>	<i>Police Station</i>
230	19.03.2018	407, 120-B IPC	Focal Point, District Police Commissionerate, Ludhiana

2. *It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has no concern whatsoever with the instant FIR which was registered way back on 19.03.2018 and after completion of investigation, police had challaned only Gurpreet Singh. He contends that after conclusion of trial the said Gurpreet Singh has already been acquitted by the learned trial Court vide judgment dated 08.06.2023 (Annexure P-3). He has categorically contended that the petitioner’s name never figured in the challan submitted by the police but after acquittal of the accused against whom challan was presented, the petitioner is being harassed by the police at the instance of the complainant without any reason.*
3. *Learned counsel for the petitioner further contends that the petitioner is not having any criminal antecedents and he is ready to join investigation.*
4. *Notice of motion.*
5. *On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent, and on instructions from ASI Rakesh Kumar, P.S. Focal Point, submits that challan was presented only against the accused Gurpreet Singh and the name of the petitioner did not figure therein. ASI Rakesh Kumar, on query from the Court, has further affirmed that the petitioner was neither declared proclaimed offender nor arrested in this case till date. He prays for time to file the status report/reply in the matter.*
6. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

CRM-M-14670-2024

3

7. *Keeping in view the above facts and circumstances of the case, the Commissioner of Police, Ludhiana, is directed to furnish his own affidavit as to under what provisions the petitioner is being harassed by the police after acquittal of the accused Gurpreet Singh against whom challan was presented pertaining to the aforesaid FIR (supra) on or before the next date of hearing.*

8. *In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

9. *Investigating Officer (concerned) to remain present along with the relevant record on the date fixed.*

10. *Adjourned to 04.04.2024. ”*

4. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

5. Learned State counsel has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that his custodial interrogation is not required at this stage.

6. Heard learned counsel for the parties.

7. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 21.03.2024 passed by a Co-ordinate Bench of this Court is made absolute.

8. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

CRM-M-14670-2024

4

9. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.
10. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.
11. The petition is accordingly disposed of.

04.04.2024
Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No