

CRM-M-16582-2024
Date of decision: 03.05.2024

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.12 dated 19.02.2024 under Sections 323/354/506/34 of IPC registered at Police Station Ajitwal, District Moga (Annexure P-1).

On 05.04.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of Code of Criminal Code, 1973, seeking anticipatory bail in FIR No.12 dated 19.02.2024 under Sections 323/354/506/34 of IPC registered at Police Station Ajitwal, District Moga (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner is 71 years of age and due to property dispute, the FIR (supra) was registered against the petitioner and the maximum sentence under the offences in which the FIR is lodged is punishable upto seven years. No notice under Section 41-A of Cr.P.C. was ever served upon

the petitioner in view of the law laid down by the Hon'ble Supreme Court in 'Satender Kumar Antil Vs. CBI' (2022) 10 SCC 51.

Notice of motion for 03.05.2024.

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 ratio of law enunciated by Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before Investigation Officer within two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer and the petitioner shall co-operate with the Investigating Officer.*

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

Nothing observed hereinabove shall be construed as expression of opinion by this Court and the trial Court shall decide the same on its own merits strictly in accordance with law.'

Learned State counsel on instructions from ASI Harjinder 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 05.04.2024 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

03.05.2024
Neha

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