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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33887-2024 (O&M)
Date of decision: 22.08.2024

Buta Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.101 dated 23.04.2024 under Sections 354, 506, 509 of the Indian Penal Code, 1860 (for short 'IPC') (Section 309 of IPC and Section 67 of Information Technology Act, 2000 were added later on), registered at Police Station Jandiala, District Amritsar Rural.

2. On 18.07.2024, the following order was passed:-

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case

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bearing FIR No.101 dated 23.04.2024 under Sections 354/506/509 of IPC (Section 309 of IPC on and Section 67 of I.T. Act added later) registered at Police Station Jandiala, District Amritsar Rural, Punjab (Annexure P-1).

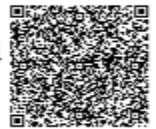
Learned counsel for the petitioner inter alia contends that the petitioner is the father of the main accused, namely, Jaspal Singh and there is no specific role or attribution made against the petitioner in the FIR. He further submits that all the offences are bailable except Section 354 of IPC regarding which there is no allegation against the petitioner. There is delay of 19 days in registration of the FIR and the co-accused has been granted ad interim bail by this Court which has been made absolute vide order dated 08.07.2024 passed in CRM-M-30102-2024 titled as 'Sajan Singh Vs. State of Punjab.'

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; 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**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of*

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bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting 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 Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 22.08.2024.

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.”

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

4. In view of the statement of learned State counsel, order dated 18.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

22.08.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No