IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.34195 of 2024
Date of decision : 19.7.2024

Rahul **…….Petitioner**

Versus

State of Punjab **…….Respondent**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raj Kumar Arya, Advocate, for the petitioner

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.47, dated 3.6.2024, under Sections 365, 149 and 120-B of the IPC, 1860, registered at Police Station Qila Lal Singh, District Batala.

2. Learned counsel for the petitioner would contend to reflect high-handedness of the investigating officer stating that while he was granted anticipatory bail by the trial Court on 24.6.2024 with direction to join the investigation, he went to the police station pursuant thereto but the investigating officer wanted the petitioner to divulge the name of his in-laws in the present case and on that account his confirmation of anticipatory bail granted by the trial Court has been opposed stating that the petitioner is not cooperating in the investigation.

3. Learned State counsel, on the other hand, on instructions from ASI Iqbal Singh, candidly would submit that the petitioner was got released on interim bail but he was not cooperating with the investigating officer and as such very rightly the investigating officer informed the Court below and on that account his anticipatory bail stands dismissed vide the impugned order dated 11.7.2024.

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4. Having gone through the case file with the assistance of learned State counsel, wherein the case file has been produced in Court by ASI Iqbal Singh who has come to assist the State counsel, this Court can infer and which is also not contradicted by the counsel that actually the dispute revolves around some family issues and on that account the petitioner is being named in the FIR and is being forcibly asked to divulge the name of other persons involved. Apart from that the State counsel has failed to show any incriminating material against the present petitioner except the aforesaid circumstance. Hence, this Court has no reason to decline the instant petition.

5. In the light of above, the present petition is allowed and the petitioner is directed to be released on anticipatory bail with a direction to the petitioner to join the investigation within a period of one week, subject to his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

6. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by the Court shall automatically stands cancelled.

(SANDEEP MOUDGIL)
JUDGE

19.7.2024
Ashwani

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

Ashwani Kumar
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