

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38217-2024 (O&M)
Date of decision: 09.09.2024

Mangal Singh @ Manga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. V.K. Begra, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

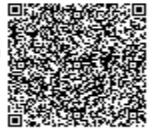
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case bearing FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sudhar, District Ludhiana.

2. On 08.08.2024, the following order was passed:-

“The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’),

2024:PHHC:117709



seeking anticipatory bail in FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860, registered at Police Station Sudhar, District Ludhiana.

Learned counsel for the petitioner, inter alia, contends that FIR (supra) was registered after a delay of three days, which creates a serious doubt on the case set up by the prosecution. The entire incident was captured in the CCTV footage and the petitioner was not present at the spot. Moreover, the maximum sentence provided for the offences, under which the FIR (supra) is registered, is upto 07 years. Even no notice under Section 41-A Cr.P.C. has been served upon the petitioner.

Notice of motion.

On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Jorawar Singh, opposes the prayer made by the petitioner on the ground that the petitioner was seen in the CCTV footage. He seeks time to verify the identity of the petitioner and also to ascertain whether he is one of the assailants seen in the CCTV footage or not.

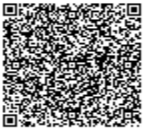
Adjourned to 09.09.2024.

Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of 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 bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.

If the arresting officer does not permit the petitioner to

2024:PHHC:117709



join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the 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 an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Zorawar 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 08.08.2024 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

09.09.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No