

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-43512-2023
Date of Decision:06.03.2024

Davinder Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.S. Baath, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Surender.

Mr. Abhishek Khullar, Advocate
for the complainant.

DEEPAK GUPTA, J.(ORAL)

On 01.09.2023, following order was passed:

“Present: Mr. B.S. Baath, Advocate for the petitioner.

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.0088 dated 14.08.2023 registered under Sections 353, 186, 120-B, 506, 295 of the IPC (Section 332 of the IPC added later on) registered at Police Station Rangar Nangal, District Batala.

FIR was lodged on the complaint of SI Kailash Chander of Police Station Rangar Nangal, as per which on 14.08.2023, he had gone to the office of MLA Amarpal Singh on his asking, where petitioner allegedly scuffled with him and removed his turban and further gave him fist blows. He was rescued by the persons there.

It is contended by learned counsel that none of the offence under Section 353, 186 & 332 of the IPC as invoked in the

FIR, are attracted to the case because SI Kailash Chander had gone to the office of MLA in his personal capacity on his asking. Still further, it is contended that in fact complainant of the case SI Kailash Chander had prepared an obscene video of the daughter of one Harjinder Singh and it is regarding that video that MLA had called the complainant.

It is further contended that the occurrence was also captured on CCTV camera, which would show that no such occurrence in the manner as alleged in the FIR, took place.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State.

Adjourned to 15.11.2023.

In case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Surender, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 01.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation

as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

March 06, 2024

(DEEPAK GUPTA)
JUDGE

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No