

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-47421-2023 (O&M)
Date of Decision:-1.4.2024

Jaswinder Gaught ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.K. Choudhary, Advocate for the petitioner.
Mr. Vishavjeet Singh Virk, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
78	14.4.2018	City Phagwara, District Kapurthala	307, 332, 353, 186, 295, 427, 148, 149 of Indian Penal Code (rest of sections have been deleted except Sections 332, 353, 186, 148 and 149 IPC)

GURVINDER SINGH GILL, J.(Oral)

- The petitioner seeks grant of anticipatory bail in respect of the
aforementioned FIR.
- At the time of issuance of notice of motion, the following order was passed
on 20.9.2023:

“The petitioner seeks grant of anticipatory bail in respect of a case
registered vide FIR No.78, dated 14.4.2018 at Police Station City
Phagwara, District Kapurthala under Sections 307, 332, 353, 186,
295, 427, 148, 149 of Indian Penal Code (rest of section have been
deleted except Sections 332, 353, 186, 148, 149 IPC).

Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and had no clue whatsoever regarding pendency of the said FIR or any case arising out of said FIR and on account of which he came to be declared as proclaimed offender but upon a petition i.e. CRM-M-9280-2021 having been filed by the petitioner challenging the said order of proclaimed offender, the operation of the same has been kept in abeyance vide order dated 11.11.2021 (Annexure P-9).

Learned counsel for the petitioner submitted that the present case is a case wherein about 200 persons have been arrayed as accused and as a matter of fact 2 different FIRs have been lodged. It has further been submitted that a large number of co-accused have already been extended the benefit of anticipatory bail even in cases wherein they have been ordered to be summoned with the aid of Section 319 Cr.P.C.

Notice of motion for 28.3.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and he is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide

order dated 1.1.2024 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

1.4.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No