

CRM-M-61307-2023 (O&M)
Date of Decision: 01.02.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Munish Raj Chaudhary, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 211 dated 20.05.2022 registered under Sections 458, 427, 323, 148, 149 and 506 of Indian Penal Code at Police Station City Barnala, District Barnala.
2. On 06.12.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C.) for grant of anticipatory bail to the petitioner in FIR No. 0211 dated 20.05.2022 registered under Sections 458, 427, 323, 148, 149, 506 IPC at Police Station City Barnala, District Barnala.

Learned counsel for the petitioner, inter alia, contends that no injury has been attributed to the petitioner. Infact, the petitioner was on duty at the time of incident, which can be established from the copy of the attendance register (Annexure P-2).

Notice of motion.

On the asking of the Court, Ms. Navreet K.

Barnala, AAG 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 on or before 14.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating 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 Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 01.02.2024.

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 SI Manjinder Singh, submits that in compliance of order dated 06.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further

custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 06.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

01.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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