
(2023) 05 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 56524 Of 2023 (O&M)

Daljit Singh

APPELLANT

Vs

State Of UT Chandigarh

RESPONDENT

Date of Decision : 03-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Citation : (2023) 05 P&H CK 0018

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : Gautam Dutt, Simsi Dhir Malhotra, Lekhraj Nandal

Final Decision : Allowed

Judgement

Anoop Chitkara, J

FIR No.

Dated

Police Station

Sections

90

9.7.2022

Mauli Jagran, District Chandigarh

406, 420, 341, 448, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above, has come up before this Court under Section 438 CrPC seeking anticipatory bail.

2. In paragraph 19 of the bail petition, the accused declares that he has no criminal antecedents.

3. Vide order dated 11.04.2022, the petitioner was granted interim protection, which is continuing till date.

4. The petitioner's counsel submits that the petitioner has complied with the previous order of this Court and his custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State as well as counsel for the complainant oppose the bail.

REASONING:

6. The petitioner is a first offender, and one of the relevant factors would be to provide an opportunity to course-correct. Even a prima facie perusal of paragraph 4 of the bail petition needs consideration for bail. Thus, there would be no justification to keep this bail pending waiting for the proper investigation. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the victim or victim's family or the witnesses or that he had hampered the investigation, or despite being called to join the investigation, he did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, and the same is made absolute subject to the petitioner complying with the terms of the bail order with a further direction to join investigation as and when called upon to do so by the Investigating Officer.

7. Accordingly, the present petition allowed and interim order is made absolute. All pending applications, if any, stand disposed of.