

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CRM No.M-13561 of 2015 (O&M)

Date of decision:16.07.2015

Chander Mohan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.K Vadehra, Advocate for the petitioner.

Mr. Nikhil.K. Chopra, DAG Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C seeking concession of anticipatory bail to petitioner in case FIR No.106 dated 30.10.2012 under Sections 447/427 IPC, registered at Police Station Kalanaur, District Gurdaspur.

While issuing notice of motion, the following order was passed by this Court on 29.04.2015:

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.106 dated 30.10.2012, under Sections 447/427 IPC, registered at Police Station Kalanaur, District Gurdaspur.

Counsel has argued that the offences under Sections 447/427 IPC are bailable in nature. Furthermore, the Investigating Agency after conducting investigation in the matter has even filed a cancellation report before the concerned Illaqa Magistrate. It is further submitted that the

Court below has declined the concession of anticipatory bail only on the basis that the petitioner had been declared a proclaimed offender prior to submission of the cancellation report. In this regard it is submitted that the petitioner was NRI and the fact that he had already proceeded abroad stands incorporated in the FIR itself.

Notice of motion, returnable 16.07.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from HC Ajay Raj has apprised the Court that the petitioner has since joined investigation. Furthermore, the factual aspect as regards the Investigating Agency having even filed a cancellation report before the concerned Illaqa Magistrate has been admitted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 29.04.2015 passed by this Court while issuing notice of motion is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.07.2015
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