

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

**CRM-M-17835 of 2014 (O&M)
Date of Decision: 7.7.2015**

Jagdish Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Y.S.Turka, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

Mr. K.S.Chawla, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail only qua newly added offences under Sections 467/468/471/120-B IPC in FIR No.52 dated 1.5.2008 registered at Police Station Kurali, District SAS Nagar.

Notice of motion was issued and interim protection was granted by this Court, vide order dated 5.6.2014.

Learned counsel for the petitioner submits that after passing of the order dated 5.6.2014, petitioner has been attending the court proceedings before the learned trial court on each and every date of hearing. He further submits that petitioner was ready to join and cooperate with the investigating agency during all this period, but he never received any notice under Section 160 Cr.P.C. from the investigation officer at any point of time. He also submits that

petitioner is still not running from his responsibility and is ready and willing to join and cooperate with the investigating agency. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from H.C.Tarsem Singh, Police Station Mullanpur, submits that although he is unable to show copy of any notice under Section 160 Cr.P.C., which might have been issued to the petitioner by the investigating officer, yet it was for the petitioner to come forward to join the investigation. He further submits that custodial interrogation of the petitioner is required keeping in view the peculiar facts and circumstances of the case. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant contended that since a huge amount was taken from the complainant by all the accused, including present petitioner and investigation qua the newly added offences is still going on, petitioner does not deserve the concession of anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for concession of anticipatory bail qua added offences as well. It is so said, because it has not been alleged either by learned counsel for the State or by learned counsel for the complainant that petitioner has misused the

concession of interim anticipatory bail granted by this Court, vide order dated 5.6.2014. Learned counsel for the State could not show copy of notice under Section 160 Cr.P.C., issued to the petitioner asking him to join the investigation. In the absence of any such notice having been issued to the petitioner, no fault can be found with the petitioner in non joining of investigation.

In view of the above and without commenting anything further on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, order dated 5.6.2014 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

7.7.2015
Ak Sharma