

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R.M-M No.25166-2015
Date of Decision : 10.09.2015

Joginder Singh Rana and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Naveen Batra , Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Tribhawan Singla, Advocate
for the complainant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case FIR No.96 dated 16.05.2015 registered under Sections 406/420/120-B IPC at Police Station Zirakpur, District SAS Nagar Mohali.

On 31.07.2015 the following order was passed:-

“Learned counsel for the petitioners inter-alia contends that the petitioners have never entered into any Memorandum of Undertaking with the complainant, nor have ever authorised any person i.e. Onkar Singh son of Chatar Singh for the same. If any third party enters into an agreement without proper authorization, petitioners cannot be made liable. Learned counsel further contends that just to grab the land of the petitioners, present FIR has been registered and the same appears to have

been registered under influence.

Notice of motion to the Advocate General, Punjab, for 10.09.2015.

Meanwhile, in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall, however, join investigation as and when called for and they will also abide by the conditions as specified under Section 438(2) Cr.P.C.

It has been noticed that many a times a police official other than Investigating Officer appears in Court, who could not assist the State counsel properly for want of complete knowledge of the case. State is directed that Investigating Officer should appear instead of deputing any other officer.”

Learned Additional Advocate General, on instructions from ASI Tilak Raj accepts the fact that the petitioners have joined the investigation and are no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated 31.07.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

10.09.2015

Pooja sharma-I