

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

**CRM No.M-2895 of 2015
Date of Decision:- 13.02.2015**

Bakshish Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab,
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.141 dated 24.09.2013, on accusation of having committed the offences punishable under Sections 419, 420, 467, 468, and 471 read with Section 120-B IPC, by the police of Police Station Bhikhiwind, District Tarn Taran.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on January 30, 2015: -

“Learned counsel, inter alia, contended that the petitioner has only attested the sale deed dated 26.09.2012 (Annexure P-1) and power of attorney (Annexure P-2) in good faith, whereas the present case was registered against him (petitioner) on 24.09.2013 i.e. after lapse of about one year, in order to wreak vengeance. He is not, in any manner, beneficiary from the pointed documents and nothing is to be recovered from him. Moreover, the controversy involved in the instant petition is identical to the one raised and decided, by virtue order dated 18.02.2014 in CRM-M No.38321 of 2013, by a Co-ordinate Bench of this Court (Mahavir S. Chauhan, J.).

Heard.

Notice of motion be issued to the respondent, returnable for 13.02.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Lakhwinder Singh, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Moreover, all the offences alleged against the accused are triable by the Court of Magistrate. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. Not only that, Ninder Singh, co-accused of the petitioner, has already been granted the concession of anticipatory bail, by means of order dated 18.02.2014 rendered in CRM No.M-38321 of 2013, by a Co-ordinate Bench of this Court (Mahavir S. Chauhan, J.). Therefore, I

see no reason not to extend the same benefit of pre-arrest bail to the present petitioner under the similar set of circumstances as well.

7. In the light of aforesaid reasons and taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

February 13, 2015
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(MEHINDER SINGH SULLAR)
JUDGE