

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.29220 of 2014

Date of Decision:15.01.2015

Dalbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.Shashank Bhandari, Advocate,
for the petitioner.**

**Mr.Gurinderjit Singh, Deputy Advocate General,
Punjab, for the respondent-State.**

**Mr.S.S.Salar, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of anticipatory bail in a case registered against him along with his other co-accused, vide FIR No.04 dated 22.07.2014, on accusation of having committed the offences punishable under Sections 420, 465, 467, 468, 471, 506 and 34 IPC, by the police of Police Station NRI Wing Patiala.

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 deep consideration of the entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, a Coordinate Bench(T.P.S.Mann, J.) of this Court passed the following order on August 27, 2014:-

“Learned counsel for the petitioner submits that though the exchange deed was said to have been executed in the year 2005 yet the FIR is registered only in the year 2014. Further, the petitioner is an aged person and suffering from epilepsy for the last 15 years.

Notice of motion to Advocate General, Punjab, for 4.12.2014.

In the meantime, the petitioner shall appear before the Investigating Officer on 3.9.2014 at 11.00 a.m. and join the investigation. In the event of his arrest, he be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction. He shall, however, abide by all the conditions as envisaged by Section 438(2) Cr.P.C.

At this stage, Mr.S.S.Salar, Advocate, puts in appearance on behalf of the complainant.”

5. At the very outset, on instructions from SI Hakam Singh, learned State Counsel has acknowledged the 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 conviction 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 conclusion of trial will naturally take a long time. Otherwise also, the complainant is real brother of the petitioner. The dispute appears to be purely of a civil nature, pertaining to the exchange-deed executed in the year, 2005, whereas, the present case was registered against the accused on 22.07.2014(i.e. after more than eight years).

6. In the light of aforesaid reasons, taking into consideration the

peculiar facts & the 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 of the main case, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by means 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, on merits in the trial of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for pre-arrest 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.

January 15, 2015
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(MEHINDER SINGH SULLAR)
JUDGE