

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

CRM-M-32524-2015

Date of decision: 17.11.2015

Mehma Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.S. Brar, Advocate for the petitioner.

Mr. Daljit Singh Virk, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.81 dated 07.05.2015 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Navi Baradari, District Jalandhar.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation more than once and cooperated with the investigating agency. Since nothing is to be recovered from the petitioner, his custodial interrogation is no more required. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Veer Singh, Police Station Navi Baradari, Jalandhar, submits that although the petitioner has joined the investigation on more than one occasions but he did not cooperate with the investigating agency in disclosing the name of his co-accused who impersonated as Smt. Nasib Kaur. He prays for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstance of the case, petitioner has been found entitled for the concession of anticipatory bail.

It is a matter of record that there is no allegation against the petitioner that he has tried to misuse the concession of interim anticipatory bail granted in his favour. There are as many as 09 accused in the present case and the investigating agency would be at liberty to get the information regarding the co-accused who impersonated Smt. Nasib Kaur from any of the accused persons. In such a situation, custodial interrogation of the petitioner would not be required.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed and the order dated 23.09.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Sections 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

17.11.2015
vishnu