

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6319 of 2015 (O&M)

Date of Decision: 06.07.2015

Satinder Pal Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S. Rai, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case F.I.R. No.3 dated 23.1.2015 under Sections 166, 167, 193, 196, 209, 218, 420, 465, 466, 467, 468, 471, 477-A, 120-B I.P.C, registered at Police Station, Kotli Surat Malli, District Gurdaspur.

While issuing notice of motion, the following order was passed by this Court on 1.4.2015:-

“CRM No.10571 of 2015

Application is allowed as prayed for.

CRM No.10572 of 2015

Application is allowed as prayed for.

Documents at Annexures P-11 to P-13 are taken on record.

Main Case

It is inter alia contended that the allegations against the petitioner are that while holding the charge of Halqa Patwari of the village concerned, he in connivance with one Bachan Singh and his sons had changed the khasra girdawari of land measuring 39 kanals 2 marlas, which otherwise belong to the State Govt. and was in possession of

the Drain Department.

Counsel would contend that the allegations are all based on documents and which were in any case a part and parcel of a departmental inquiry having already been conducted against the petitioner and which has finally culminated in the imposition of a major penalty of stoppage of five annual increments with cumulative effect. It is submitted that the petitioner otherwise is ready and willing to join investigation.

Notice of motion, returnable for 6.7.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from H.C. Pargat Singh would apprise the Court that the petitioner has since joined investigation. State counsel would further submit that there is no recovery to be effected from the petitioner. That apart, the observations contained in the notice of motion order have also gone unrebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted. Accordingly, present petition is allowed. Order dated 1.4.2015, passed by this Court is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.07.2015
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