

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15492 of 2015 (O&M)

Date of decision : 09.08.2016

Balwinder Singh Toki

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gurpreet Singh Dhillon, Advocate for the petitioner.

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

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.41, dated 05.03.2015 registered under Section 420 IPC at Police Station City-1, Abohar, District Fazilka.

On 13.08.2015 the following order was passed:-

“Learned State counsel seeks to place on record affidavit of Gurbhej Singh, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka. Prayer is accepted.

Affidavit is taken on record.

Meanwhile, one opportunity is granted to the petitioner to join investigation and cooperate with the investigating agency. However, in the event of his arrest, he shall be released on bail to the satisfaction of the arresting officer/investigating officer, subject to the following conditions:-

- i. He shall make himself available for interrogation by a police officer as and when required;*
- ii. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;*
- iii. He shall not leave India without the previous permission of the Court.*

To come up on 17.09.2015.

It is made clear that in case petitioner does not cooperate, investigating agency shall be at liberty to apprise this court and seek his custodial interrogation on the next date of hearing.”

Learned Additional Advocate General, on instructions from
ASI Gurmeet Singh accepts the fact that the petitioner has joined the
investigation and is no more required for custodial interrogation.

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

Resultantly, the petition is allowed. The interim order dated 13.08.2015 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.

09.08.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No