

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

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**C.R.M-M No.28491 of 2016 (O&M)
Date of Decision : 21.11.2016**

Varinder Kumar Bagga

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jatinder Kumar Kamboj, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

AJAY TEWARI, J. (Oral)

On 30.08.2016 the following order was passed:-

“This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 96 dated 18.7.2016 under Sections 465, 467, 468, 471 IPC and Section 12 of Passport Act at Police Station Balachaur, SBS Nagar.

There are allegations against the petitioner that he has provided a fake birth certificate to somebody.

Learned counsel for the petitioner submits that there is no evidence of the same.

Ms. Amarjit Kaur Khurana, Additional Advocate General, Punjab on instructions from the ASI submits that the grandfather of the person to whom birth certificate was provided had informed the police that it was the petitioner who had provided the same.

Learned counsel for the petitioner further argues that this evidence is of no use because it would be taken to the testimony of the co-accused and in case the petitioner is permitted to join the investigation, he would be able to satisfy. He further submits that no other case has been registered against the petitioner.

Be that as it may, in the circumstances, keeping in view the above facts, without commenting on the merits of the case, let the petitioner appear before the Investigating officer on 9.9.2016 and the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/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.

To come up on 21.11.2016.”

Learned Additional Advocate General on instructions from H.C. Sohan Lal has stated that the petitioner has joined the investigation and he is no more required for custodial interrogation.

In this view of the matter, I see no reason to deny the concession of anticipatory bail to the petitioner.

Petition is allowed. Interim order dated 30.08.2016 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

November 21, 2016
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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No