

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

CRM-M-34770-2016

Date of decision: November 17, 2016

Charanjit Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab assisted by
Mr. Rajan Malhotra, Advocate for the complainant.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition has been preferred under Section 438 of the Code of Criminal Procedure, petitioner has sought pre-arrest bail, in case bearing FIR No.132, dated 26.09.2014, under Sections 419, 465, 468, 471, registered at Police Station Ghuman, District Batala, Gurdaspur.

At the time of issuance of notice of motion vide order dated October 19, 2016, the following order was passed:-

“Inter alia it has been submitted by learned counsel for the petitioner that initially FIR No.132 dated 26.09.2014 was registered under Section 420 of Indian Penal Code. Subsequently, on 24th June, 2015 during investigation of the case an offences under Sections 419, 465, 468, 471 of the Indian Penal Code were added. However, due to some inadvertence or oversight, those offences could not be mentioned in the petition moved under Section 438 of Cr.P.C. Even the addition of these offences was also not pointed out by learned State counsel at that time and the petition was allowed. Accordingly, the petitioner surrendered/appeared before the trial Court and he was bailed out. Since the petitioner could not mention the

offences under Section 419, 465, 468, 461 IPC at the time of filing the previous petition under Section 438 Cr.P.C., the police is bent upon to arrest him.

Notice of motion for 17.11.2016.

In the meanwhile, petitioner is directed to join the investigation within seven days from the date of certified copy of this order. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel on instructions from ASI Surinder Singh, has submitted that petitioner has already joined the investigation in compliance of the order dated October 19, 2016 and he is no more required for further interrogation/investigation.

In view of the aforesaid facts, order dated October 19, 2016 is made absolute, subject to the following conditions, as envisaged under section 438(2) Cr.P.C:

- 1) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- 2) that the petitioner 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 him from disclosing such facts to the Court or to any police officer;*
- 3) that the petitioner shall not leave India without the previous permission of the Court.*

November 17, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No