

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-36334 of 2015 (O&M)
Date of Decision: 27.04.2016

Bhagwant Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Nahel, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.63 dated 17.3.2015 under sections 420, 467, 468, 471, 120-B I.P.C, registered at Police Station, City Barnala, District Barnala.

On 30.10.2015, the following order was passed by this Court:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.63 dated 17.03.2015 registered under Sections 420/467/468/471/120-B IPC at Police Station City Barnala, District Barnala.

As per the allegations the complainant has purchased a Scorpio vehicle from the petitioner for a sum of Rs.2,00,000/- and the petitioner had told him that the vehicle was in the name of Kuldeep Kaur from whom he had purchased it rightfully and that the vehicle would be transferred in the name of the complainant. However, sometime after the complainant was using the vehicle one day Kuldeep Kaur alongwith 3-4 persons snatched the vehicle.

Learned counsel for the petitioner has argued that

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actually the petitioner had advanced a loan of Rs.2,50,000/- to Kuldeep Kaur and as collateral security Kuldeep Kaur had handed over the vehicle to him and has executed agreement Annexure P-2, as per which she has stated that in case she is unable to pay the amount of loan within a period of one month the petitioner would have the right to further transfer the vehicle. Since she did not pay the said amount he further transferred the vehicle to the complainant as per Annexure P-2.

Learned Additional Advocate General has sought a short adjournment to enable the Investigating Officer to check the veracity of document Annexure P-2.

Adjourned to 06.11.2015, to await the report of the Investigating Officer in this regard. Till then the arrest of the petitioner shall remain stayed.”

During the course of resumed hearing petitioner was directed to join investigation vide order dated 4.2.2016 and which reads in the following terms:-

“Learned State counsel upon instructions from ASI Major Singh, Police Station City Barnala, District Barnala would submit that in pursuance to the order dated 30.10.2015, statements of the marginal witnesses who had affixed signatures on the agreement at Annexure P-2 have been recorded and it has been found that such document/agreement is genuine.

List on 27.04.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation on 15.02.2016 at 11.00 a.m. Interim protection to continue till the next date of hearing.”

Learned State counsel upon instructions from ASI Magar Singh would apprise the Court that the petitioner has since joined investigation and is not required for any custodial interrogation.

Accordingly, the present petition is allowed. The order dated 4.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.04.2016

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