

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-41385 of 2015 (O&M)
Date of Decision: 18.02.2016

Jarnail Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Surinder Thakur, 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 seeking concession of anticipatory bail to the petitioner in case F.I.R. No.110 dated 7.10.2014 under sections 406, 420 I.P.C, registered at Police Station, Chabbewal, District Hoshiarpur.

On 7.12.2015 while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner submits that the allegations are there against the petitioner, Krishan Gopal and Bikramjit Singh. The amount has been shown to be paid to said two persons and they have admitted this fact in their affidavit submitted before the Police authorities, which is annexed as Annexure P-2 with this petition. No amount has been deposited in the account of the petitioner and the same has been alleged to be paid by way of cheque. The petitioner is ready to join investigation.

Notice of motion for 12.02.2016.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as

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envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)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;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Avtar Singh would apprise the Court that the petitioner has since joined investigation. Court has further been informed that co-accused Krishan Gopal and Vikramjit Singh and who had furnished an affidavit before the police authorities regarding admission of having received the amount, have been granted benefit of regular bail.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 7.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

18.02.2016
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