

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42204 of 2015 (O&M)
Date of Decision: 25.04.2016

Dimple & another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vaibhav Narang, Advocate for the petitioners.

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 petitioners in case F.I.R. No.148 dated 29.10.2015 under sections 420, 120-B I.P.C, registered at Police Station, Chatiwind, District Amritsar Rural.

On 14.12.2015, while issuing notice of motion this Court had stayed the arrest of the petitioners.

Thereafter, on 22.12.2015, the following order was passed:-

“According to stand of the State counsel, co-accused namely Paramjit Singh has been declared innocent. Admittedly, entire amount of `9.5 lacs was handed-over to him. Out of this, Rs.2.5 lacs were given to the petitioners. Learned State counsel, on instructions from S.I. Reshamjeet Singh, who is present in court, informs that Paramjit Singh has been declared innocent. A query has been put to him about the ground on which said accused has been declared innocent. He prays for some time to seek instructions and address the court. On his request, adjourned to 30.01.2016.

Interim order to continue.”

During the course of resumed hearing, this Court passed an order dated 1.2.2016 in the following terms:-

“In deference to the order dated 22.12.2015, an affidavit dated 30.01.2016 of the Deputy Superintendent of Police, Attari, District Amritsar (Rural) has been filed in Court today and the same is taken on record.

Positive stand taken on behalf of the State is that on the basis of 5 compact disc (voice recording) presented by the complainant Sukhdev Singh, ASI Paramjit Singh and Patwari Rajpal Singh are found to be involved in the case and therefore, they have been nominated as accused vide case diary No.12 dated 26.12.2015.

It is also the case made out on behalf of the prosecution that the amount of Rs.9.5 lacs had in fact been entrusted not to the present petitioners but to ASI Paramjit Singh.

List on 25.04.2016.

In the meanwhile, petitioners are directed to join the investigation and to appear before the Investigating Officer on 09.02.2016 at 11 a.m.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigation Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 Cr.P.C.”

Learned State counsel would apprise the Court that the petitioners have since joined investigation and are not required for any custodial interrogation.

Accordingly, the present petition is allowed. The order dated 1.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2016
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