

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

***CRM No.M-43482 of 2015 (O&M)
Date of Decision: 01.03.2016***

Gurmukh Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. A.P.S. Sandhu, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

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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 FIR No.13 dated 28.01.2015, under Sections 417/419/420/465/466/468/471/120-B IPC and Sections 66-C/66-D/71 of the Information Technology Act, registered at Police Station City Gurdaspur, District Gurdaspur.

Brief allegations against the petitioner are that while he was detained in Central Jail, Amritsar in connection with FIR No.145 dated 28.09.2013, registered at Police Station Kambo, he had used a mobile phone carrying SIM No.8054213431, Vodafone company to make calls to his mother.

On 08.01.2016, this Court had granted interim protection as regards arrest of the petitioner subject to his joining investigation.

Learned State counsel upon instructions from ASI Jagjit Singh would apprise the Court that the petitioner has since joined investigation.

It may also be apposite to take note that the petitioner had

already been granted bail on 25.05.2014 in FIR No.145 dated 28.09.2013 and the present FIR has been registered on 28.01.2015. That apart, even as per prosecution version, the SIM in question had been purchased in the name of one Parsan Singh son of Guriqbal Singh from Vishal Gupta son of Dharampal Gupta upon furnishing photocopy of his driving license and which was later found to be forged. As such, it is the contention raised by learned counsel appearing for the petitioner that the allegations pertaining to forgery of documents cannot possibly be directed against the present petitioner.

In view of the above and coupled with the fact that the petitioner has since joined investigation, his custodial interrogation would not be warranted.

Accordingly, the present petition is allowed. Order dated 08.01.2016 passed by this Court is made absolute.

Disposed of.

01.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**