

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43899 of 2015 (O&M)
Date of Decision: 11.05.2016

Kuljit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. J.S. Bhinder, 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.137 dated 28.5.2015 under sections 420, 419, 465, 467, 468, 471, 120-B I.P.C, registered at Police Station, City Sangrur.

On 24.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Petitioner by way of 2nd petition under Section 438 Cr.P.C seeks pre-arrest in FIR No.137 dated 28.5.2015 under Sections 420, 419, 465, 467, 468, 471, 120-B IPC registered at Police Station City Sangrur, in compliance of the order dated 18.9.2015 passed by the Hon'ble Supreme Court, which has been reproduced at page 6 of the paper book. Learned counsel for the applicant-petitioner submits that in compliance of the order passed by the Hon'ble Supreme Court, petitioner has deposited the amount of Rs.50,000/- with the learned Chief Judicial Magistrate, Sangrur, vide receipt no.94775 dated 30.11.2015, which has also been reproduced at para 9 of the paper book. He submits that under these changed circumstances, the 2nd petition under Section 438 Cr.P.C. would be maintainable and custodial interrogation of the petitioner would not be required.

Notice to Advocate General, Punjab, for 15.2.2016.

In the meantime, in the event of arrest, petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer, subject to the conditions envisaged under Section 438(2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 29.12.2015 and cooperate with the investigating agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigating agency by issuing a notice under Section 160 Cr.P.C.”

Learned State counsel upon instructions from H.C. Amrik Singh would apprise the Court that the petitioner has since joined investigation and even the amount of Rs.50,000/- stands deposited by the petitioner in the court of learned C.J.M., Sangrur vide receipt no.94775 dated 30.11.2015.

It may be noticed that F.I.R came to be registered at the instance of Axis Bank that their customers Harnek Singh and Smt. Gurmeet Kaur have been defrauded of an amount of Rs.28 lacs as such amount had been withdrawn illegally from their agriculture limit account. Allegations were levelled against Inderjit Singh, Jaspreet Singh @ Jaggi, Banti, Jaspreet Singh @ Jassi and Deepi.

Even though, the name of the present petitioner did not figure in the F.I.R, yet, his name surfaced during the course of investigation on the disclosure statement of Gurbhej Singh and who had stated that the present petitioner was involved in the offence and had arranged the presence of one Hardev Singh, who in turn impersonated for the complainant namely Harnek Singh.

It has gone uncontroverted that the main accused Inderjit Singh as also other co-accused have been granted the benefit of regular bail.

Petitioner having already joined investigation, his custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 24.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.05.2016

lucky