

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

CRM No.M-5773 of 2016 (O&M)

Date of Decision: 28.04.2016

Sheetal Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. M.L. Saggar, Senior Advocate with
Mr. Rohit Joshi, Advocate for the petitioner

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

....

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.1 dated 07.01.2016, under Sections 409/420/467/468/471/201/120-B IPC and Sections 13(1)(D), 13(2)88 of the Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Ferozepur, District Ferozepur.

On 14.03.2016, while issuing notice of motion, the following order was passed by this Court:

“FIR has been registered on the basis of an inquiry bearing No.6 dated 04.06.2014 conducted by the SHO, Police Station Vigilance Bureau and the allegations are against the then DTO, Sri Muktsar Sahib and the present petitioner serving as a Clerk as regards having allegedly registered the vehicles in the name of such persons who were not even the residents of the district concerned. The inquiry having been concluded and findings having been returned, FIR in question came to be registered on 07.01.2016. Concededly, the petitioner was posted out in the office of DTO in the month of

July, 2014.

Perusal of the order dated 04.02.2016 passed by the learned Additional Sessions Judge, Sri Muktsar Sahib declining the concession of anticipatory bail to the petitioner would reveal that interim protection had been granted but finally the petition under Section 438 Cr.P.C. has been dismissed on the ground that in spite of having joined the investigation, the requisite record is not being handed over.

The precise argument raised by learned Senior counsel is that the record, if any, is not in the possession of the petitioner as he already stood transferred out and secondly the FIR in question has been registered only after conduct of an inquiry by the concerned official of the Vigilance Bureau and who in any case was in possession of the entire record.

List along with CRM No.M-5169 of 2016 on 28.04.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/ Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

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

Petition is allowed. Order dated 14.03.2016 passed by this Court is made absolute.

Disposed of.

28.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**