

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-37202-2016
Date of decision-08.03.2017**

**Rakesh Seth
Vs.
State of Punjab**

**...Petitioner
...Respondent**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.68 dated 20.09.2016, registered under Sections 420 and 120-B of Indian Penal Code at Police Station Division D, District Police Commissionerate, Amritsar.

On 20.10.2016, this Court had passed the following order:-

“Learned counsel for the petitioner contends that the petitioner is always in the ownership of the property. The FIR in question has been lodged by the complainant, who is property dealer to usurp the house of the petitioner.

Notice of motion for 1.2.2017.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. However, he shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he 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 and;

3. That he shall not leave India without previous permission of the Court.”

It is contended that in pursuance of the order dated 20.10.2016 the petitioner has joined the investigation.

The learned State counsel, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 20.10.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned. Whether any liability is made out, it will be seen during the trial.

The petition stands allowed.

(JITENDRA CHAUHAN)
JUDGE

March 08, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No