

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

202

CRM No.M-40053 of 2016

Date of Decision: April 17th, 2017

Harpal Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Sharad Kumar Yadav, Deputy Advocate General, Haryana.

Mr. D.D. Sharma, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of anticipatory bail in FIR No.117 dated 18.09.2016 recorded at Police Station Sector-20, Panchkula.

An interim order dated 10.11.2016 was passed by this Court and in pursuance thereto, the counsel for the petitioner states that the petitioner has joined investigation.

Status report by way of affidavit of Munish Sehgal, HPS, Assistant Commissioner of Police, Traffic, Panchkula, has been filed in Court, according to which the factum that the petitioner has joined investigation is not disputed, however, it has been asserted that the recovery of the cash, jewellery and the first marriage certificate of his daughter Jasnoor Preet Kaur is to be effected from him which is in his possession. Assertion has also been made by the Investigating Officer ASI Nasib Singh, Police Station Sector-20, Panchkula, that the official records have been tampered with by the petitioner as page No.180 of marriage register at Tehsil Amritsar-II has been found to be blank. This fact also finds mention

been made that the petitioner is not cooperating with the investigation and prayer for grant of anticipatory bail may be rejected.

Counsel for the complainant has also vehemently opposed the prayer of the counsel for the petitioner.

Having heard the counsel for the parties and keeping in view the fact that there are no direct allegations against the petitioner in the FIR which has been recorded and also that the allegations, if any, are against Jasnoor Preet Kaur, daughter of the petitioner and merely because she is his daughter would not put him in a position as is being sought to be projected. Nothing has come on record or has been brought to the notice of the Court that the alleged stolen jewellery and cash has been handed over to the petitioner by his daughter. The alleged tampering of the records in the marriage register also is found to be blank page. Merely because the page is blank would not be enough as far as the petitioner is concerned to know as to who was the officer who had issued the first marriage certificate. The stand of the investigation that it is the petitioner who should disclose the name of the officer/official who had left the page blank is totally absurd when it could be easily known from the records itself as to who was the officer holding the post at the relevant time. The grounds which have been taken by the respondents for opposing the present petition for grant of anticipatory bail cannot be accepted. The petitioner having joined investigation, in the opinion of this Court, entitles him to the grant of prayer as has been made by him.

Accordingly, the present petition is allowed.

Interim order dated 10.11.2016 granted in favour of the

petitioner stands confirmed.

The petitioner, in any case, shall comply with the provisions of
Section 438(2) of the Code of Criminal Procedure.

April 17th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No