

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

**Criminal Misc. No.M-3969 of 2017
Date of Decision: 16.08.2017**

Nishan Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Ms. Rakhi Sharma, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.25 dated 30.4.2016 under Sections 419, 420, 506, 120-B IPC registered at Police Station Sarhali District Tarn Taran.

Vide order dated March 03, 2017, the petitioner was granted *ad interim* bail and was directed to join investigation.

Learned counsel for the petitioner states that pursuant to aforesaid order of this Court, the petitioner has joined investigation. She further states that the money in question was entrusted to co-accused Gurmukh Singh, who is father of the petitioner. The petitioner is a labourer

and is not well educated. The complainant has arrayed all the family members of the petitioner as accused, which include his father Gurmukh Singh, sister Kiranjot Kaur and brother-in-law Gurjant Singh.

Learned State counsel, on instructions from ASI Kashmir Singh, submits that though the petitioner has joined investigation but he is not cooperating in the investigation and the money which was taken by the petitioner along with other co-accused is still required to be recovered. However, he has not disputed that during investigation, Kiranjot Kaur has been found innocent whereas Gurjant Singh is on regular bail.

I have heard learned counsel for the parties.

The only cooperation which the police seeks from the petitioner, at this stage, is recovery of money. However, it is not certain as to whether the money was entrusted to the petitioner or his father Gurmukh Singh or any other co-accused. Thus, mere fact that money is to be recovered, is no ground to state that petitioner is not cooperating. Accordingly, the present petition is allowed and the interim order dated 3.3.2017 is made absolute.

However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

August 16, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No