

CRM-M-415 of 2017**Date of decision: 02.03.2017****Nirmal Singh**

... Petitioner

VS.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

* * *

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

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DEEPAK SIBAL, J.(ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks anticipatory bail in FIR No.90, dated 09.11.2016, registered under Sections 406, 420 of IPC, at Police Station Begowal, District Kapurthala.

Vide order dated 24.01.2017, while issuing notice of motion, this Court had ordered that in the event of arrest, the petitioner shall be released on ad-interim anticipatory bail to the satisfaction of the Arresting Officer, subject to the conditions prescribed under Section 438(2) Cr. P.C.

Seeking anticipatory bail for the petitioner, learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; a detailed enquiry into the allegations was made by the Superintendent of Police, Traffic and Security, Kapurthala which has found the petitioner innocent; the enquiry report by the Superintendent of Police has also been accepted by the Senior Superintendent of Police, Kapurthala; in compliance with the interim order dated 24.01.2017 passed by this Court, the petitioner has joined investigation.

Learned State counsel opposes the grant of bail on the ground that there are allegations against the petitioner of having accepted money on the pretext of sending the complainant's son abroad.

Once a detailed enquiry has been conducted by the Superintendent of Police, Traffic and Security, Kapurthala, which has also been accepted by the Senior Superintendent of Police, Kapurthala, which has found the petitioner innocent, his involvement would be a debatable issue and the same would only be deciphered during the trial which is yet to commence. The petitioner has joined investigation and has also cooperated with the same.

In view of the above, the petition is allowed and order dated 24.01.2017 granting ad-interim anticipatory bail to the petitioner is made absolute subject to the conditions as prescribed under Section 438(2) Cr.P.C.

Nothing observed herein above shall be considered to be an expression of opinion by this court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner through this order.

March 02, 2017
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(Deepak Sibal)
Judge

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>