

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

Sr. No.202

CRM-M No.5835 of 2017
Date of decision: 23.05.2017

Buta Singh and another

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gaurav Sharma, Advocate
for the petitioners.
Mr. Neeraj Yadav, AAG, Punjab.

Mr. Hemraj Bhardwaj, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 438 Cr.P.C., the petitioners seek the concession of anticipatory bail in FIR No.02 dated 12.01.2016, registered under Sections 420, 467, 468, 471, 120-B IPC, at Police Station Mehal Kalan, District Barnala.

On 22.02.2017, while issuing notice of motion, this Court had granted ad-interim anticipatory bail to the petitioners subject to the satisfaction of the Arresting officer.

Seeking anticipatory bail for the petitioners, learned counsel submits that the petitioners have been falsely implicated in this case at the behest of the complainant for the reason that there is pending litigation between the Society formed by the petitioners on one side and the complainant on the other; there is no other criminal case in which the petitioners are involved; the entire case is based on documentary evidence; no recovery is to be effected from them and that under the interim orders

Jyoti Sharma
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I attest to the accuracy and
integrity of this document of this Court, the petitioners have not only joined investigation, they

have fully cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Satpal Singh, submits that the petitioners have joined investigation; have fully cooperated with the investigating agency; they are no longer required for further questioning; there is no other criminal case in which the petitioners are involved and that there is pending litigation between the Society formed by the petitioners and the complainant.

Whether the petitioners are falsely implicated at the behest of the complainant on account of litigation between them would be a fact, which would be deciphered only during the course of the trial. The petitioners are not involved in any other criminal case and have admittedly not only joined investigation, they have fully cooperated with the investigating agency. As per the learned State counsel, they are also not required for further questioning.

In view of the above, I am of the opinion that the custodial interrogation of the petitioners are not warranted.

Resultantly, the present petition is allowed and the order dated 22.02.2017 granting ad-interim anticipatory bail to the petitioners is made absolute subject to the condition 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.

If during the period that the bail is granted to the petitioners, they are found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the granted bail to the petitioners through this order.

(DEEPAK SIBAL)
JUDGE

May 23, 2017

Jyoti 1

(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No