

Sr. No.209

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-712 of 2017 (O&M)

Date of Decision:21.02.2017

Harwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CRM No. M-2783 of 2017 (O&M)

Kuldeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. P.S.Ahluwalia, Advocate,
for the petitioner(s).

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-712 of 2017 (Harwinder Singh Vs. State of Punjab) and CRM No.M-2783 of 2017 (Kuldeep Singh Vs. State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner(s) in case FIR No.150 dated 30.09.2016, under Sections 420/465/467/468/471 of IPC, registered at Police Station City Samana, District Patiala.

While issuing notice of motion in CRM No.M-712 of 2017, the following order was passed by this Court on 13.01.2017:-

“Learned counsel for the petitioner contends that the petitioner, who is the Lambardar identified Sukhwinder Singh as Gurmukh Singh for the grant of loan before the Manager of Central Bank of India, Branch Samana. Later on,

he informed the bank authority that fraud is going to be committed by Sukhwinder Singh and consequently no loan was sanctioned in favour of said Sukhwinder Singh.

Notice of motion.

At the asking of the Court, Mr. Sumandeep Singh Walia, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 21.2.2017.

Learned counsel for the petitioner is directed to supply copy of the petition to the learned State counsel during the course of the day.

In the meanwhile, petitioner is directed to join investigation in this case within seven days from today and in that event, the petitioner be admitted to bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of Investigating Officer/Station House Officer concerned. The petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. The petitioner is also directed to cooperate with the investigating agency qua the investigation of this case as and when required.”

Likewise notice of motion order dated 30.01.2017 in CRM No.M-2783 of 2017 reads in the following terms:

“Learned counsel contends that the present case has been registered on the allegations that co-accused of the petitioner namely Sukhwinder Singh by impersonating himself as Gurmukh Singh had applied for loan before Central Bank of India by preparing forged and fabricated documents. The allegations against the present petitioner and Harwinder Singh is that they wrongly identified Sukhwinder Singh.

Learned counsel while referring to order dated 13.01.2017 submitted that co-accused of the petitioner Harwinder Singh has been granted bail by this Court and the petitioner is similarly placed.

Notice of motion for 21.02.2017.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his arrest, he shall be released on bail by the Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the person shall make himself available for interrogation by Police Officer as and when required;*
- ii. a condition that the person 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;*
- iii. a condition that the person shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”*

Learned State counsel who is on instructions from SI Bhinder Pal Singh apprises the Court that the petitioners have since joined investigation and there is no recovery that is stated to be effected from them. Even observations made by this Court in notice of motion order dated 13.01.2017 and dated 30.01.2017 have gone un rebutted.

In view of the above, prayer made in both these connected petitions is accepted. Order dated 13.01.2017 passed in CRM No.M-712 of 2017 and order dated 30.01.2017 passed in CRM No.M-2783 of 2017 are made absolute.

Disposed of.

21.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No