

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

CRM-M -22441 of 2018 (O&M)

Date of decision: 05.09.2018

Harpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner(s).

Ms. Deepali Puri, Addl. AG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.78 dated 04.05.2017, registered under Sections 447, 354, 379, 506, 323 and 120-B of IPC, at Police Station Lopoke, District Amritsar.

On 06.08.2018, this Court had passed the following order:-

“As per office report, respondent No.2 has been served through affixation as she has refused to accept the notice.

This is second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.78 dated 04.5.2017, registered under Sections 447, 354, 379, 506, 323 and 120-B IPC, Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner submits that the first petition i.e. CRM-M-37700 of 2017 filed by the petitioner for anticipatory bail was dismissed by this Court vide order dated 11.12.2017 merely on the ground that the

petitioner was a proclaimed offender. It is submitted that the petitioner again approached this Court vide CRM-M-37362 of 2017 for grant of anticipatory bail, wherein vide order dated 07.10.2017 passed by this Court, he was directed to appear before the trial Court and furnish bail bonds and surety bonds to the satisfaction of the trial Court. In compliance of order dated 07.10.2017 passed by this Court, the petitioner caused representation and now he is no longer a proclaimed offender.

Vide order dated 24.5.2018, service of respondent No.2 was ordered to be effected subject to payment of ₹10,000/- towards costs of litigation. The costs stand deposited by the petitioner with the Registry of this Court. However, respondent No.2/complainant has refused to accept the notice and service was effected through affixation. Co-accused, namely, Bachan Kaur @ Gurbachan Kaur (vide CRM-M-10865-2018) and Angrej Singh and others (vide CRM-M-10828-2018) have been granted bail by this Court.

On the other hand, learned State counsel submits that the petitioner had harvested the crop of the complainant/respondent No.2 and during investigation, recovery of 2 quintals and 40 kilograms wheat was effected from the petitioner and the petitioner has earlier remained a proclaimed offender. At this stage, the fact that petitioner is no more proclaimed offender is not disputed by the learned State counsel.

Considering the fact that the dispute is inter se the family members, despite depositing litigation expenses, the complainant/respondent No.2 is not coming forward in the matter, in these circumstances, the petitioner is directed to appear before the Investigating Officer tomorrow i.e. 07.8.2018 at 11.30 am and join the investigation in Police

*Station Lopoke, District Amritsar.
Post again on 05.9.2018.”*

The learned State counsel, on instructions submits that in pursuance of order dated 06.08.2018 the petitioner has joined the investigation and he is not required for custodial interrogation.

Heard.

Keeping in view the fact that the petitioner has joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 06.08.2018, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

05.09.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No