

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 203

CRM-M-33499-2017

Decided on : 26.02.2018

Gurninder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: None for the petitioner.

Mr. Karanbir Singh, Asstt. A.G., Punjab.

DEEPAK SIBAL, J. (ORAL)

In compliance with the orders of this Court dated 17.01.2018 and 30.01.2018 status report as also the explanation by way of separate affidavits of J. Elanchezhian, IPS, Senior Superintendent of Police, Hoshiarpur, filed in Court today, are ordered to be taken on record.

Through this petition filed under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.42, dated 22.03.2017, registered under Sections 406 and 420 IPC, at Police Station City Hoshiarpur, District Hoshiarpur.

On 12.09.2017, while issuing notice of motion, this Court had granted ad-interim anticipatory bail to the petitioner on his furnishing bail bonds to the satisfaction of the arresting/investigating officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

A perusal of the record reveals that the allegations against the petitioner alongwith his co-accused are that the complainant agreed to sell to the petitioner and his co-accused 2.5 kanals of land whereas the petitioner alongwith his co-accused made and got executed from the complainant an agreement for the sale of 21 kanals.

It is the case of the petitioner that the complainant in fact had sold 21 kanals to him and his co-accused for which the entire agreed sale consideration was paid to the complainant before the Sub-Registrar, Hoshiarpur. Such payment was made in the presence of three witnesses on 30.06.2016. After an unexplained delay of nine months the FIR has been lodged.

As per the afore-referred status report filed in Court today, the petitioner is stated to have joined investigation and that no custodial interrogation of his is required.

In view of the above, the order dated 12.09.2017, granting interim bail to the petitioner, subject to the conditions prescribed under Section 438(2) Cr.P.C., requires to be made absolute.

Ordered accordingly.

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 or misusing the concession of bail granted by this Court, 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.

In the explanation submitted by J. Elanchezhian, IPS, Senior Superintendent of Police, Hoshiarpur, in Court today, it has been stated that he could not appear before this Court on 30.01.2018 as also could not file the status report since the orders dated 17.01.2018 and 30.01.2018 were not brought to his notice by the officials who were present in Court on

17.01.2018 and 30.01.2018. As and when he became aware of the directions of this Court, status report was prepared and the same has been filed before this Court today. It is further stated therein that the concerned officials who failed to bring to his notice the orders passed by this Court on 17.01.2018 and 30.01.2018 have been departmentally proceeded against for dereliction of duty. The non-appearance before this Court as also non-filing of the status report is regretted and an unconditional apology for the same has been tendered.

The above explanation is accepted.

The petition is disposed of in the above terms.

26.02.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No