

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

213

CRM-M-34542-2018

Date of Decision: October 09, 2018

Surinder Kumar

.....Petitioner(s)

versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Naresh Chander, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner-Surinder Kumar son of Bachan Chand, seeks anticipatory bail in FIR No.86, dated 28.05.2014, registered at Police Station City-I, Abohar, under sections 420, 465, 467, 468, 471, 120-B IPC.

Learned counsel for the petitioner submits that the petitioner is Surinder Kumar son of Bachan Chand and is not named in the FIR. His anticipatory bail was rejected vide order dated 20.10.2015 and it is recorded in the said order that there is nothing on the file to indicate his involvement in the case. Thereafter, the Police kept quiet for three years and has now started raiding the premises of petitioner alleging that he is also involved in the FIR.

The State had been directed to file a specific affidavit regarding the role of the petitioner. The contents of the affidavit filed on behalf of the State shows that the person named Harjinder Singh @ Happy named in the FIR is actually the petitioner. This is based on a supplementary statement made by the complainant-Malkit Singh.

If it is a fact that the petitioner is actually Harjinder Singh @ Happy then there was no reason for the Police to keep quiet for three years after dismissal of the bail application by the learned Additional Sessions Judge, Fazilka.

In any case, the petitioner is prepared to join investigation and the Investigating Agency would be at liberty to collect all information deemed necessary.

The petition is accordingly allowed and the petitioner-Surinder Kumar son of Bachan Chand is directed to join investigation as and when required by the Investigating Agency and co-operate therewith. In the event of his arrest, he shall be released on anticipatory bail on his furnishing bail and surety bonds to the satisfaction of the A.O./I.O./SHO concerned subject to his compliance of provisions enshrined under Section 438(2) Cr.P.C.

October 09, 2018
sonia arora

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No