

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37936-2017(O&M)

Date of Decision: 17.01.2018

Harnek Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. A.S. Ahluwalia, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.193 dated 10.9.2017 under section 420 I.P.C, registered at Police Station, Kotwali Bathinda, District Bathinda.

Notice was issued in the instant petition on 9.10.2017 and the order reads as under:-

“The petitioner is seeking anticipatory bail in FIR No.193 dated 10.09.2017 under Section 420 IPC registered at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner contends that allegations against the petitioner, who is a retired Class-III employee, are that he had submitted bogus medical bill for an amount of `36,123/-. He further contends that as the doctor who had issued the bill did not verify the same, at the asking of department, he had deposited the said amount with the department in the year 2016. The FIR has been lodged after an year thereafter.

Issue notice to the respondent, returnable on 16.11.2017.

In the meantime, petitioner is directed to appear before the Investigating Officer and join the investigation.

In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall join investigation as and when called upon to do so and shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Subsequently, since offence under sections 467, 468 and 471 I.P.C were added accordingly CRM No.37711 of 2017 was filed for adding the afore-noticed sections in the main petition and for grant of interim bail even in relation thereto. Accordingly, on 12.12.2017 the following order was passed by this Court:-

“This application is for addition of newly added Sections 467/468/471 IPC in the head note, as well as, prayer clause of the petition and for grant of interim bail in the newly added Sections.

Learned counsel for the applicant-petitioner contends that this Court by the order dated 09.10.2017, had granted ad-interim bail to the applicant in FIR No.193 dated 10.09.2017 under Section 420 IPC. He further states that later on Sections 467/468/471 IPC were added in the FIR.

Issue notice of the application to the respondent.

At the asking of Court, Mr. Sandeep Vermani, Additional Advocate General, Punjab, accepts notice on behalf of the respondent. A complete set of paper-book be supplied to him during the course of day.

For the reasons mentioned in the application, same is allowed and Sections 467/468/471 IPC are ordered to be added in the head note, as well as, prayer clause of the main petition. Registry is directed to add newly added Sections in the head note as well as prayer clause, of the main petition.

MAIN CASE

List on 17.01.2018.

In the meantime, applicant-petitioner is directed to appear before the Investigating Officer and join the investigation. In the event of arrest, the Investigating/Arresting Officer shall release the applicant-petitioner on ad-interim bail subject to his/her satisfaction. The applicant-petitioner shall join investigation, as and when called upon to do so and shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from HC Chamkaur Singh would apprise the Court that the petitioner has since joined investigation. That apart, it has been uncontroverted that against the allegations of the offence petitioner in the capacity of a retired Class-III employee having submitted bogus medical bills of an amount of Rs.36,123/-, the petitioner has already deposited the said amount with the employer/department in the year 2016 i.e. one year prior to the registration of the FIR.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The orders dated 9.10.2017 as also 12.12.2017, passed by this Court, are made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.01.2018

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