

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-44233-2017(O&M)

Date of Decision: 23.02.2018

Harjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Sarbjit Singh, Advocate for the petitioner.

Mr. S.S. Sandhu, 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.58 dated 17.9.2017 under sections 389, 342, 506, 34 I.P.C and sections 7, 13(2) of the Prevention of Corruption Act, registered at Police Station, Mattewal, District Amritsar.

On 15.1.2018, the following order was passed by this Court:-

“Petitioner is a serving ASI under the Punjab Police. He seeks concession of anticipatory bail in case FIR No.58, dated 17.09.2017, under Sections 389/342/506/34 IPC and Sections 7/13(2) of the Prevention of Corruption Act, registered at Police Station Mattewal, District Amritsar.

FIR was registered on the statement of Gagandeep Singh. Complainant asserted that he is running a medical store in a village and on 14.09.2017, while he was present in his shop along with his wife, two persons in civil dress entered the shop and claimed themselves to be from the Narcotic Cell Border Range, Amritsar (Rural) and demanded a sum of Rs.1 lakh on the threat that otherwise the complainant and his wife would be involved in a false NDPS case. Subsequently, the two assailants are stated to have joined by one more person in uniform and a sum of Rs.35,000/- approximately was taken away.

Learned State counsel upon instructions from ASI Durlabh Darshan informs the Court that co-accused, Lakhwinder Singh and Hardeep Singh were arrested upon having been identified by the complainant. Insofar as the present petitioner is concerned, he is sought to be implicated on the statement of co-accused.

Counsel for the petitioner adverts to a copy of the affidavit dated 24.10.2017 placed on record at Annexure P-1, wherein the complainant Gagandeep Singh had deposed that the present petitioner, namely, Harjit Singh was not a member of the accused party and who had come to his shop on the date in question.

List on 23.02.2018.

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

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

Learned State counsel upon instructions from ASI Durlabh Darshan would apprise the Court that the petitioner has since joined investigation.

Even the observations made by this Court in the order dated 15.1.2018 have gone un rebutted.

The petitioner having joined investigation, his custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 15.1.2018, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.02.2018

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