

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM-M-49642-2017(O&M) Date of Decision: 04.04.2018

Sukhjivan Singh --Petitioner

Versus

State of Punjab --Respondent

2. CRM-M-5196-2018(O&M)

Angrej Singh --Petitioner

Versus

State of Punjab --Respondent

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

Present:- Mr. Rajesh Bhateja, Advocate for the petitioners.

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the afore-mentioned two petitions as both these petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners herein in case F.I.R. No.80 dated 25.7.2017 under sections 420, 465, 468, 471 I.P.C, registered at Police Station, Mehna, District Moga.

On 26.12.2017, while issuing notice of motion in CRM-M-49642-2017, the following order was passed by this Court:-

“The instant petition has been filed under Section 438 Cr.P.C seeking the concession of pre-arrest bail to the petitioner in case FIR No.80 dated 25.7.2017 under sections 420, 465, 468, 471 I.P.C, registered at Police Station, Mehna, District Moga.

Counsel submits that the allegation as regards selling of tractors on the basis of forged R.Cs is against the principal accused namely Sajwant Singh. Further contended that the name of the present petitioner does not even figure in the FIR and he is sought to be implicated on the basis of

statement of a co-accused.

Notice of motion, returnable for 15.2.2018.

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

Likewise, the notice of motion order dated 8.2.2018 passed in CRM-M-5196-2018 reads in the following terms:-

“Instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioner in case FIR No.80 dated 25.07.2017, under Sections 420, 465, 468 and 471 IPC, registered at Police Station Mehna, District Moga.

Counsel submits that the allegation as regards selling of tractors on the basis of forged RCs is against the principal accused, namely, Sajwant Singh. Further contended that co-accused Sukhjiwan Singh has been granted interim protection by this Court vide order dated 26.12.2017 in CRM No.M-49642 of 2017.

Notice of motion, returnable for 15.02.2018.

To be listed along with CRM No. No.49642 of 2017.

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 the 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 Raj Dheem

would apprise the Court that the petitioners have since joined investigation.

That apart main accused namely Sajwant Singh (non-applicant) is stated to have been arrested and thereafter granted benefit of regular bail.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petitions are allowed. Order dated 26.12.2017, passed in CRM-M-49642-2017 and order dated 8.2.2018 passed in CRM-M-5196-2018, are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.04.2018

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