

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8211 of 2017(O&M)
Date of Decision: 29.01.2018

Surinder Pal

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Tarun Jhatta, 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.165 dated 18.10.2016 under section 384 I.P.C and sections 7, 13 (2) of the Prevention of Corruption Act, registered at Police Station, Zira, District Ferozepur.

On 20.3.2017, the following order was passed by this Court:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.165 dated 18.10.2016, under Section 384 IPC and Sections 7/13(2) of Prevention of Corruption Act 1988, registered at Police Station Zira, District Ferozepur.

Allegations in a nutshell are against Baljinder Singh @ Bittu a police official as also one Shera of having abducted the complainant and having snatched money from him and further having made an attempt to extort money from the complainant on the threat of falsely implicating him in a NDPS case.

Counsel appearing for the petitioner raises a two fold submission. It is contended that it is a case of mistaken identity. The name of the present petitioner is Surinder Pal Sharma and he does not go by the name of Shera. Further

contended that the petitioner is a driver working in a personal capacity and the allegations on the face of it are improbable as the petitioner would be in a position to extort any money from the complainant on the pretext of false implication. Further submitted that main accused Baljinder Singh @ Bittu was arrested and subsequently granted benefit of bail.

List on 17.07.2017.

In the meanwhile, petitioner is directed to appear before 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.”

During the course of arguments today, it has gone uncontroverted that the petitioner has since joined investigation. Furthermore, petitioner has also furnished before the I.O certain documents to reflect his real identity to be Surender Pal Sharma.

It has also gone uncontroverted that co-accused namely Baljinder Singh @ Bittu and Hardeep Singh @ Happy were arrested and have been granted benefit of regular bail.

Learned State counsel upon instructions from Inspector Jagbir Singh informs the Court that the matter is still under investigation and a police inquiry is underway.

In the light of the observations contained in the order dated 20.3.2017, passed by this Court and coupled with the fact that the petitioner has already joined investigation, his custodial interrogation would not be warranted. Accordingly, the present petition is allowed. The order dated 20.3.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.01.2018

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