

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

CRM No.M-13843 of 2019 (O&M)

Date of Decision: April 02, 2019

Dial Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sant Pal Singh Sidhu, Mr.Suneet Pal Singh and
Mr.Gurpal Singh Sandhu, Advocates
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.7 dated 30.06.2018 under Sections 13(1)(d)(e) read with Section 13(2) of Prevention of Corruption Act, 1988, registered at Police Station Vigilance Bureau, Flying Squad at Mohali, as after release of petitioner on bail under Section 167(2) Cr.P.C., offences under Sections 420, 465, 467, 468 and 471 IPC have been added later on, in the present case.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as

learned State counsel and have gone through the record.

From the record, I find that anticipatory bail petition of the present petitioner was dismissed by this Court on merits and application for anticipatory bail was also dismissed by the Hon'ble Supreme Court in this FIR. The petitioner remained in custody and he was released on bail under Section 167(2) Cr.P.C. Now, the offences under Sections 420, 465, 467, 468 and 471 IPC have been added and petitioner has filed present petition for grant of anticipatory bail as he is apprehending arrest under these Sections.

Learned State counsel contested this petition and argued that new facts have come into the knowledge of the prosecution regarding creating of properties under the name of other persons and petitioner is required for custodial interrogation.

From the perusal of the record, I find that petitioner has remained in custody in this FIR for more than 60 days and then he was given benefit of bail under Section 167(2) Cr.P.C. as challan was not presented against him. The main case of the prosecution remains the same regarding disproportionate assets.

Keeping in view the above facts that the petitioner remained in custody and then granted bail under Section 167(2) Cr.P.C. as challan was not presented in the statutory period, I find that if some other offences have been added in the FIR, even then, the petitioner is not required for further interrogation purposes etc.

Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail in newly added Sections 420, 465, 467, 468 and 471 IPC, subject to

Arresting/Investigating Officer. However, he shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

April 02, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No