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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14407-2019
Date of decision-15.05.2019

Abdul Majid Shah **....Petitioner**

Vs.

State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

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MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.96 dated 15.09.2018 under Sections 420, 465, 468 and 471 of Indian Penal Code registered at Police Station Kalanaur, District Gurdaspur.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 29.03.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

> *"Learned counsel for the petitioner contends that as per the complainant, a sum of ₹ 8 lakhs was paid to the accused (petitioner) for sending his son to abroad or in the alternative to provide a job. It is pointed out that amount was allegedly paid in April, 2013 and the FIR has been got registered on 15.09.2018, wherein there is*

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no mode or source of payment is indicated.

Notice of motion for 15.05.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C."

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/ Arresting Officer.

Learned State counsel who is assisted by ASI Surinder Pal has disputed the fact that the petitioner has joined investigation, however, the concession is being opposed on the ground that the alleged appointment letters were found to be fake and therefore, custodial interrogation of the petitioner is necessary.

At this stage, learned counsel for the petitioner contends that the alleged letters of appointment were issued in the year 2013 and FIR has been got registered after a gap of 5 years. It is contended that the documents are already with the police and the custodial interrogation of the petitioner is not justified.

Considering above, this Court is of the opinion that in the given

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set of the facts and circumstances, no case is made out for custodial interrogation particularly as initially the complainant has alleged to have given money for sending his brother abroad and subsequently, it was alleged that this promise was for procurement of job.

Therefore, without commenting anything on merits of the case, the petition is allowed and the interim bail granted by this Court vide order dated 29.03.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

15th March, 2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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