

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 216

Criminal Miscellaneous No.M-15757 of 2019 (O & M)
Date of Decision: May 06, 2019

Sanjiv Kumar @ Tona

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

...

CORAM: **HON'BLE MR. JUSTICE MANOJ BAJAJ**

...

PRESENT: - Mr. Amaninder Singh Sekhon, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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Manoj Bajaj, J (Oral)

This petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.56 dated 10.03.2019 under Sections 420, 120-B IPC, registered at Police Station, City, Faridkot.

Learned counsel for the petitioner has invited the attention of the Court to order dated 05.04.2019 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 the allegations in the FIR are vague and without any particulars. According to him, the alleged complaint was given in April 2018 and FIR has been registered on 10.03.2019. Even otherwise, as per the version of the complainant, the alleged amount was given to Karamjit Singh for sending the wife and children of the complainant abroad.

Notice of motion for 06.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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/arresting officer.

Learned State counsel has opposed the bail application of the petitioner on the ground that though petitioner joined the investigation but recovery is to be effected. However, as per FIR, amount was received collectively by the accused and name of the petitioner is not mentioned.

Considering the above, petition is allowed and interim bail granted by this Court vide order dated 05.04.2019 is made absolute.

However, it is made clear that this order shall remain operative only till the filing of final report under Section 173(2) Cr.P.C.

The petition stands allowed.

May 06, 2019
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(Manoj Bajaj)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No