

213-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41353-2018
Date of decision-01.05.2019

Harpreet SinghPetitioner
Vs.
State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shekhar Kumar, Advocate for the petitioner.
Mr. Harsimar Singh Sitta, AAG, Punjab assisted by
HC Harwinder Singh.
Mr. Shadab Ahmad, Advocate for
Mr. Pankaj Garg, Advocate for the complainant.

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.129 dated 01.08.2018 under Sections 420 and 406 of Indian Penal Code at Police Station Sadar Mansa. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.09.2018 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 submits that as per the FIR, his wife, who had purchased tralla from the complainant, had failed to pay the instalments and tralla was confiscated by the complainant. The allegation against the petitioner is that he forcibly took away the tralla from the feed factory, wherein it was parked, as such, no case against the petitioner for the offence punishable under Sections 420 and 406 is made out. Co-accused Kamaljeet Kaur has already been granted interim bail vide order dated 12.09.2018 passed

in CRM-M-39700-2018.

Notice of motion for 11.12.2018.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

List with CRM-M-39700-2018.”

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 HC Harwinder Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from HC Harwinder Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.09.2018 is made absolute. However, it is made clear that this order shall remain operative only till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

01.05.2019

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(MANOJ BAJAJ)
JUDGE

No

No