

207-B

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21590-2019

Date of decision-16.12.2019

Komal Markandey @ Kamal Markandey

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishabh Gupta, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0069 dated 20.04.2019 under Sections 420 and 409 of Indian Penal Code, 1860 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur. 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 13.05.2019 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 alleged embezzlement was detected after the death of his father, namely, Rajinder Singh, who was In-charge of the Post office. According to him, the allegations against the petitioner is that in his absence he used to work in the said Post office. It is pointed out that the petitioner was not associated in the inquiry on the basis of which the

present FIR has been recorded. Reliance is also placed on the order dated 06.05.2019 and 03.05.2019 passed in CRM-M-20544-2019 and CRM-M-20084-2019, respectively (Annexures P-4 and P-5) whereby, interim pre-arrest bail was granted to the co-accused.

Notice of motion for 17.09.2019.

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 Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Balbir Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Balbir 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 13.05.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.12.2019

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