

205-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48108 of 2018

Date of decision: May 03, 2019

Gurmej Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Bakshi, Advocate for
Mr. G.S. Madaan, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

Mr. Amit Dhawan, Advocate for the complainant.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner in FIR No.128 dated 29.09.2018, under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, 1860, registered at Police Station Mehatpur, District Jalandhar Rural.

On 31.10.2018, while issuing notice of motion, this Court has passed the following order:-

“Learned counsel for the petitioner submits that the petitioner is not the beneficiary as he was only witness to agreement to sell. Neither any amount was received by the petitioner nor any role has been played by him. A wrong finding has been given by the lower Court while declining bail to the petitioner that the petitioner received an amount of ₹55,000/-. Nothing is to be recovered from the petitioner and he is ready to join investigation.

Notice of motion for 19.12.2018.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall also join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section

438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

iii)that the petitioner shall not leave India without the prior permission of the Court.”

As per allegation of the prosecution itself, the alleged amount of ₹7 lakhs was paid to Paramjit Singh and not to the petitioner.

Learned State counsel, on instructions from Assistant Sub Inspector Baljinder Singh has submitted that the petitioner has joined investigation in terms of order dated 31.10.2018 and his custodial interrogation is not required.

In view of the above, order dated 31.10.2018 granting interim bail to the petitioner, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

May 03, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**