

203

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-23492 of 2019

Date of decision: September 12, 2019

Gurbax Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Ranghi, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

Mr. Saajan Singla, 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 petitioner, in FIR No.40 dated 05.03.2019, under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860, registered at Police Station PAU, Ludhiana.

As per prosecution case, petitioner, by forging the documents, sold the vehicle, i.e. Scorpio, which was ordered to be attached in execution proceedings.

On 22.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Learned counsel for the petitioner contends that the petitioner is a retired Government employee and has attained the age of 74 years. Further contends that he will clear the arrears of maintenance due to his daughter-in-law, namely Sukhwinder Kaur, within a period of 4 weeks from today.

Notice of motion returnable on 12.07.2019.

Mr. Jaspreet Singh, complainant is present in person.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

Learned State counsel, on instructions from police official present in Court to assist him, has stated that in terms of order dated 22.05.2019, the petitioner has joined investigation and his custodial interrogation is not required. Even learned counsel for the complainant has acknowledged that entire arrears of maintenance have been cleared by the petitioner.

In view of the above, order dated 22.05.2019 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

September 12, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No