

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30047-2019

Date of Decision: 15.11.2019

Tarsem Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, 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.0038 dated 18.06.2019 under Sections 323, 324, 326, 148 and 149 IPC, registered at Police Station Purana Shalla, District Gurdaspur. 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 17.07.2019 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 there is a long litigation between the complainant and petitioner and the suit for specific performance brought by the petitioner stood decreed. It is pointed out that on 28.05.2019, the Executing Court had issued the warrants of possession in respect of the property in question and to wreck the vengeance, complainant has lodged this false FIR which was recorded after 3 days of the alleged

occurrence. He further contends that previously also an FIR (Annexure P-3) was lodged, which was cancelled after investigation.

Notice of motion for 15.11.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 Gurnam Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Gurnam 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 17.07.2019 is made absolute.

15.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No