

207

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

CRM-M-31804 of 2019

Date of decision: November 18, 2019

Baldev Kumar Sharma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shakti Bhardwaj, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

Mr. A.S. Sekhon, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

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.0107 dated 02.07.2019, under Sections 420, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Kotkapura.

On 21.08.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that on earlier two occasions also, on the basis of similar allegations, the complaints were made to the police and the same were enquired, but nothing incriminating was found against the petitioner. Now, this is a third occasion, present FIR has been lodged on the same set of allegations, which is nothing, but absolute misuse of the process of law.

Notice of motion for 23.09.2019.

Mr. Amaninder Singh Sekhon, Advocate, who is present in the Court, has filed power of attorney on behalf of the complainant. The same is taken on record.

In the meantime, 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 in the present case 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) Cr.P.C.”

Learned State counsel, on instructions from SI Harvinder Singh, has stated that in terms of order dated 21.08.2019, the petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 21.08.2019 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

November 18, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No