

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

**CRM-M No.7816 of 2018 (O&M)
Date of Decision: 22.07.2019**

Gurdev Chand

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab for respondent No.1/State.

Mr. Vivek Sethi, Advocate Sr. Standing Counsel and
Mr. Varun Issar, Advocate, Jr. Standing Counsel
for respondent No.2/Income Tax Department.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a case bearing FIR No.227 dated 23.10.2017 (P-1), under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Division No.1, Police Commissionerate Jalandhar, District Jalandhar

This Court, on 17.10.2018, passed the following order:-

“ Learned counsel for the petitioner submits that as per allegations levelled in the FIR, the petitioner was only present at the spot whereas neither he is party to agreement to sell nor any amount was paid to him.

Learned State counsel submits that out of two more accused, one accused, namely, Parminder Singh has been released on regular bail.

Learned counsel for respondent No.2 seeks time to place on record the report.

Adjourned to 12.12.2018.

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. ”*

Status Report by way of affidavit dated 22.07.2019 of Sh. Naunihal Singh, IPS, Inspector General of Police, Jalandhar Range, Jalandhar-cum-Commissioner of Police, Jalandhar on behalf of respondent/State has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of paragraph 17 of the affidavit reveals that report under Section 173 Cr.P.C. has already been submitted qua Gurdev Singh (petitioner) & Narinder Singh on 08.07.2019 and charges are yet to be framed.

It is stated by learned State Counsel, on instructions from ASI Rakesh Kumar, that the petitioner has already joined the investigation and his custodial interrogation is not required, therefore, interim order dated

17.10.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

Disposed off accordingly.

However, it is clarified that this order shall not effect any enquiry to be conducted by the Economy Offences Wing, Jalandhar.

July 22, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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