

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5731-2020 (O&M)

Date of Decision: August 19,2020

Navdeep Pawar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Nitin Sharma, Advocate,
for the petitioner.

Mr. SPS Tinna, Addl.A.G.Punjab.

Mr. Bikramjeet Singh Jatana, Advocate,
for the complainant.

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.9 dated 04.01.2020, under Sections 306 and 149 IPC, 1860, registered at Police Station, City-II, Mansa. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 12.02.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioners in case FIR No.009 dated 04.01.2020, registered under Sections 306, 149 IPC, at Police Station City-II, Mansa.

According to prosecution, in the intervening night of 01/02.01.2020, Darshan Singh committed suicide leaving behind a note and a compact disc (CD), narrating his woeful story for committing suicide. In the said note, deceased specifically named Kavita Puri and Rajiv Puri for cheating him for Rs.1,25,00,000/- for which he registered FIR No.51 dated 14.03.2019, under Sections 420, 406 IPC, at Police Station Kharar and few others including the petitioner.

Allegations against the petitioner are that he was occupying the chemist shop of deceased, but did not pay his due commission at the agreed rate of 3% of the profit, whereas allegations against Navdeep Kumar are that he was illegally occupying his flat, apart from flat No.2 sold to his mother through him.

Notice of motion.

On the asking of Court, Mr. Bhupinder Beniwal, AAG, Punjab accepts notice on behalf of respondent. Complete copy of the paper book be supplied to him during the course of day.

Having considered the facts and circumstances of the case, but without commenting on the merits of the case as that may prejudice the case of either parties, petitioners are directed to join investigation and remain present as and when called for. In the event of their arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Adjourned to 06.05.2020, for consideration.

A photocopy of this order be placed on the file of connected case, numbered above.”

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 does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Makhan 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 12.02.2020 is made absolute.

Petition stands disposed off.

August 19, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No