

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(201)

CRM-M-13170-2020

Date of Decision: August 10, 2020

Harbir Singh Patwari

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dilpreet Singh Gandhi, Advocate, for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No 12 dated 27.02.2020 under Sections 420, 167, 120-B IPC registered at Police Station Rajasansi, Amritsar, District Amritsar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.05.2020. Order dated 29.05.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.12 dated 27.02.2020 under Sections 420,167,120-B IPC registered at Police Station Rajasansi, Amritsar, District Amritsar.

Learned counsel for the petitioner argues that the petitioner gave description of the ownership in the revenue record in a good faith, though, keeping in view the order passed by this Court, the ownership of the land, which was

being mortgaged, was to be changed in the name of Government of Punjab. Learned counsel for the petitioner argues that mistake on the part of the petitioner was bonafide and there was no connivance of the petitioner with any one much less the persons who claimed to be owners of the land and later on defaulted in the repayment of loan, which they had taken from the bank by submitting the said jamabandi prepared by the petitioner showing them as owners of the said land. Learned counsel for the petitioner further argues that complaint was made by the bank in the year 2019 and the petitioner has cooperated and will remain cooperative in the investigation as the mistake of the petitioner was bonafide and not for any ulterior purpose.

Notice of motion for 10.08.2020.

Mr. Ajay Pal Singh Gill, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of the petition accepts notice on behalf of State of Punjab. Learned State counsel submits that nothing is to be recovered from the petitioner as the documents related to the ownership of the land are already in the possession of the police. Learned State counsel further submits that petitioner should cooperate in the investigation so as to conclude the same at the earliest.

Learned counsel for the petitioner states that the petitioner will immediately join the investigation and will fully cooperate with the Investigation Agency/Investigating Officer.

Keeping in view the facts and circumstances noticed before, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Rajinder Pal, Police Station Rajasansi, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 29.05.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 10, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No