

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20628 of 2020
Date of Decision :22.09.2020

Karnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.54 dated 29.05.2020 under Sections 420,465,468,471,120-B IPC registered at Police Station Sanaur, District Patiala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 28.07.2020. Order dated 28.07.2020 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.54 dated 29.05.2020 under Sections 420,465,468,471,120-B IPC registered at

Police Station Sanaur, District Patiala,

Learned counsel for the petitioner submits that the petitioner is a son of Balwant Singh, against whom, the allegations that on 08.01.2011, he fraudulently obtained a certificate in respect of redeeming the land, which was handed over to the complainant by Balwant Singh have been alleged. Learned counsel for the petitioner further submits that the only allegation against the petitioner is that he was accompanying his father, Balwant Singh, at the time of obtaining the said certificate. Learned counsel for the petitioner further submits that the main allegations are against the father of the petitioner Balwant Singh and his uncle Ishma Singh. Learned counsel for the petitioner further submits that nothing is to be recovered from the petitioner and the petitioner is ready to join and cooperate in the investigation.

Notice of motion for 22.09.2020.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel argues that the serious allegations have been alleged against Balwant Singh and Ishma Singh with regard to redeeming of land and, therefore, the petitioner, being a son of Balwant Singh, who is a main accused, is also getting the benefit of the said fraudulent act and, hence, is not entitled for grant of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is not disputed by the learned State counsel that the main allegations in the FIR are against Balwant Singh and Ishma Singh. The only allegation

against the petitioner was that he was accompanying his father at the time of obtaining the certificate, which was obtained fraudulently by his father Balwant Singh on 08.01.2011. The truth of the fact that whether the petitioner is getting the benefit of the said certificate will come out during the trial. Nothing is to be recovered from the petitioner and no specific allegation is alleged against him and, hence, the petitioner has made out a case for the grant of anticipatory bail.

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 A.S.I. Jagjit Singh 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.

In view of the above, the order dated 28.07.2020 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 co-operating, it will be at liberty to approach this Court for passing an appropriate orders.

The petition stands disposed of.

September 22, 2020
aarti/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No