

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

CRM-M-23115-2020

Date of decision:09.12.2020

Tarsem Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashwani Prashar, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition under Section 438 Cr.P.C., petitioners seek anticipatory bail in case baring FIR No.92 dated 08.08.2020, registered under Sections 420,465,467,468,471 and 120-B IPC at Police Station Kahnuwan, District Gurdaspur.

On 18.08.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case FIR No.92 dated 08.08.2020, registered at Police Station Kahnuwan, District Gurdaspur, under Sections 420, 465, 467, 468, 471 and 120-B IPC.

Learned counsel for the petitioners submits that petitioner No.1, who was working as a Secretary of Tugalwal Multi-Purpose Cooperative Agriculture Service Society Ltd. Tugalwal, retired way back in 2015 and petitioner No.2 joined as a Salesman in the Society on 18.10.2017. The elections of Society held on 25.11.2019, were supervised by the concerned Assistant Registrar and two Returning Officers were also appointed for the said purpose. The aggrieved nonelected members to the Society, have also filed an election petition which is pending adjudication. He further contends that the elected members do not belong to the ruling party which is

why, the present FIR has been registered.

Notice of motion.

On the asking of this Court, Mr. N.K.Banka, DAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. Vipin Mahajan, Advocate, appears on behalf of the complainant.

Learned State counsel is unable to answer the query of this Court that in case there was any illegality in the elections of the Society, why the Assistant Registrar and two Returning Officers were not arraigned as accused in the present FIR.

Adjourned to 09.12.2020.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner submits that pursuant to the order dated 18.08.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from SI Major Singh, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 18.08.2020 passed by this Court granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

09.12.2020
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(HARNARESH SINGH GILL)
JUDGE

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