

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

202

CRM-M-34228-2020 (O&M)

Date of decision: 23.11.2020

Kunda Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

CRM-26393-2020

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copies of Annexures P-1 to P-4 true typed/photo copies of which are taken on record.

CRM-M-34228-2020

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.4 dated 01.02.2020 registered under Sections 420 and 406 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Mallanwala, District Ferozepur.

While issuing notice of motion on 28.10.2020, Coordinate

Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the said order reads as under:-

"The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No. 4 dated 01.02.2020, registered under Section 420 & 406 IPC, at Police Station Mallanwala, District Ferozepur.

As per the case of the prosecution, the petitioner came to the village and assured a group of 30 females including the first informant that he would arrange loan of Rs. 30,000/- for each of the member of the group and collected ₹ 60,000/- (Rs. 2000/- from each of the member of the group).

Learned counsel for the petitioner contends that the petitioner is sought to be falsely implicated as he has filed a criminal complaint under Section 138 of the Negotiable Instruments Act, 1881 against the first informant's husband in the year 2018. He has drawn attention of the Court to Annexure P2, the order passed by the Court summoning the first informant's husband.

Notice of motion.

On the request of the Court, Mr. N.K.Banka, Deputy Advocate General, Punjab accepts notice on behalf of the respondent and prays for time to seek instructions.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.

In the event of arrest of the petitioner, he shall be released on interim pre-arrest bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

List on 23.11.2020."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner, learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has while reiterating the submissions made on 28.10.2020 submitted that in compliance with order dated 28.10.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Lakhwinder Singh, acknowledged that in compliance with order dated 28.10.2020 passed by Coordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order

dated 28.10.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

23.11.2020

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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