

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-36843 of 2020

Date of Decision:02.12.2020

Gurmail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P. K. S. Phoolka, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

On 10.11.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.297, dated 25.12.2018, having been registered at Police Station Civil Lines, Bathinda, alleging therein the commission of offences punishable under Sections 420/406/120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner has not been in fact named in the FIR and has been subsequently added as a co-accused, with his case therefore being on a better footing than even Mander Singh, who was named in the FIR, with that person also stated to be having only 1% share in the company (of which the prime accused are the Managing Director/Directors etc.).

Mander Singh was admitted to anticipatory bail by this court

(coordinate bench) upon him filing CRM-M-3285 of 2019, which was decided on 4.2.2020 (copy Annexure P-3).

Similarly, prior to that, Simarjit Kaur and her co-accused have also been admitted to bail upon them filing CRM-M-22355 of 2019, which was decided on 23.10.2019 by another coordinate bench (copy Annexure P-2).

Though learned State counsel submits that he would need time to file a reply in the matter, however he obviously could not deny the factum of the orders passed in the other cases.

That being so, without making any comment on the actual merits of the case, notice of motion is formally issued, with Mr.Saurav Khurana, learned DAG, Punjab, accepting notice at the asking of the court.

Adjourned to 2.12.2020.

In the meanwhile, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

A gazetted officer is directed to file a reply to the petition.

At this stage, Mr.Phoolka has very fairly pointed out that in fact Mander Singh was asked to deposit Rs.35,000/- as a precondition to bail but he reiterates that the petitioner has not been named in the FIR.

Obviously, whether the petitioner is on an identical footing as Mander Singh, or not, would be seen after the reply on behalf of the State has been filed; and whether he would be required to deposit any money in terms thereof or not, would be seen thereafter.”

A reply has since been filed to this petition in which the allegations made as regards the roles of the co-accused of the petitioner, i.e. Gurtej Singh, Simarjit Kaur, Balwinder Singh and Mander Singh, have been given, but as regards the petitioner, all that has been specifically stated is that though he has joined investigation, he is not cooperating with the police.

Learned counsel for the petitioner reiterates that the petitioner in fact was not named in the FIR at all and was nominated as an accused only on account of being a partner in the company (of which the main accused are the Managing Director/Directors etc.) to the extent of a 1% share therein.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 10.11.2020, admitting the petitioner to interim bail, made absolute.

December 02, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No