

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

CRM-M-34156-2019

Date of Decision: 21.01.2020

Ajay Kumar and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.98 dated 09.05.2019 under Section 420 IPC, registered at Police Station City Phagwara, District Kapurthala. They apprehended their arrest at the hands of Police.

Learned counsel for the petitioners have invited the attention of the Court to the order dated 22.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that the loan was advanced in the year 2012 after due verification by the Bank and the FIR has been lodged recently on the ground that the property mortgaged with the Bank was further sold to someone else by the vendor of the petitioner. It is pointed out that he is still in the possession of the property and in the given facts custodial

interrogation of the petitioners may not be required.

Notice of motion for 12.12.2019.

In the meanwhile, petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Bharat Bhushan does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from SI Bharat Bhushan further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 22.08.2019 is made absolute.

21.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No