

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

CRM-M-39423-2019

Date of Decision: 03.02.2020

Makhan Singh**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.135 dated 10.08.2019 under Sections 406 and 420 IPC, registered at Police Station Adampur, District Jalandhar. He apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the FIR relates to the alleged agreement to sell dated 03.05.2017 between co-accused-Balwinder Singh (owner) with the complainant- Kiran Bala (purchaser). He submits that the petitioner was neither beneficiary of the said agreement nor was a witness to the same. It is further contended that the petitioner was implicated only on the ground that he was present when the said

agreement was executed. According to him, another co-accused, namely, Gian Singh, who was similarly situated, was exonerated by the police. According to him, the custodial interrogation of the petitioner may not be required.

Notice of motion for 03.02.2020.

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

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner 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 ASI Ravel Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Ravel Singh further states that the petitioner is 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 16.09.2019 is made absolute.

03.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No