

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

**CRM-M-40338 of 2019
Date of Decision:-24.02.2020**

Davinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sherry K. Singla, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.48 dated 12.07.2019, under Section 408 IPC, registered at Police Station Ladhuwal, District Police Commissionerate, Ludhiana. The petitioner apprehended his arrest at the hands of Police in the above FIR.

Learned counsel for the petitioner has argued that in the present case he has wrongly been roped and the allegation that he had misappropriated a sum of Rs.1,46,554/-, is factually incorrect. Learned counsel for the petitioner has invited the attention of the Court to the order dated 20.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order

reads as under:-

“Present petition under Section 438 Cr.P.C. for seeking pre-arrest bail to the petitioner, namely Davinder Singh in case FIR No. 48 dated 12.07.2019, registered under Section(s) 408 IPC at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioner contended that petitioner has been falsely implicated in the case on the basis of audit report for the year 2011-12 and he retired in the month of June, 2011. The allegations are that petitioner had misappropriated a sum of Rs.1,46,554/-, which is factually incorrect and he is ready to join the investigation.

Notice of motion.

On asking of the Court, Ms. Monika Jalota, Deputy Advocate General, Punjab accepts notice on behalf of the respondent. A copy of paper-book be provided to her during the course of the day.

List on 23.10.2019.

Meanwhile, petitioner(s) is directed to join the investigation. In the event of arrest, petitioner(s) shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner(s) will join the investigation as and when called for and 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 Harjit Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Harjit 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 20.09.2019 is made absolute.

February 24, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No