

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-712 of 2020

Date of Decision : 19.08.2021

Harjiwan Singh and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Sandeep Gahlawat, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 272, dated 27.11.2019, registered under Sections 447, 511, 379, 506, 148, 149 IPC, at Police Station Nathana, District Bathinda.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 23.01.2020. Order dated 23.01.2020 is as under:-

“Mr. K.S. Chahal, Advocate has appeared on behalf of the complainant – Gurinder Singh. The complainant has not been impleaded as a party by the petitioners.

Let the complainant be impleaded as respondent No.2.

Registry is directed to do the needful.

Counsel for the complainant -respondent No.2 has filed written reply, copy of which has been supplied to counsel for the petitioners.

Learned State counsel seeks some time to file detailed reply.

Learned counsel for the petitioners has contended that the FIR in this case has been registered after a period of one year of the incident. It is further stated that petitioner No.2 is not named in the FIR; that petitioner No. 1 has purchased the land through General Power of Attorney from father of the complainant and civil litigation regarding the matter is pending. Furthermore, the petitioners are ready to join the investigation.

Learned counsel for the complainant has contended that since the complainant is a NRI, the police has registered the present FIR on intervention of NRI Commission only and further the Will set up by the petitioners is not valid since it was got executed after the power of attorney has been got cancelled by father of the complainant. Therefore, they are not entitled to any relief.

Let the State counsel file detailed reply to the petition.

Adjourned to 4.3.2020

In the meanwhile, the petitioners are directed to join the investigation by contacting the Investigating Officer within 5 days from today and render all sort of cooperation. The petitioners are also directed to surrender their passports, before the Investigating Officer, if they have got one, otherwise to furnish affidavit in that regard. If in the meanwhile, they are arrested, they be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer.

Learned State counsel, who has also joined the proceedings

through video conference, on instructions from ASI Surjit Singh, Police

Station Nathana, District Bathinda states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 23.01.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 19, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No