

Kanwaljit Singh @ Kewaljeet Singh

...Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.169, dated 14.08.2019, having been registered at Police Station City Jagraon, District Ludhiana, alleging therein the commission of offences punishable under the provisions of Sections 420/467/468/471/120-B of the IPC.

It is to be first noticed that a similar petition earlier filed by the petitioner, i.e. CRM-M-45386-2019, had been dismissed by this court on 09.12.2019, for the reasons stated in that order (Annexure-P-4).

However, upon this petition having been filed and learned counsel for the petitioner having argued that any offence punishable under Section 205 is a non-cognizable offence and that even though there are other offences as are alleged to have been committed which would be cognizable offences, with him having cited various judgments of co-ordinate benches of this court, notice of motion had been issued, with subsequently the petitioner having been ordered to be admitted to bail if he was sought to be arrested upon

joining investigation, (vide an order passed on 04.03.2020). The matter having remained pending thereafter, and though a reply has been filed, dated 28.09.2021, by the DSP, Jagraon, learned State counsel submits, on instructions from ASI Balraj Singh, that the petitioners' custodial interrogation at least is not required.

That being so, without making any comment on the actual merits of the case, with the investigating agency itself not requiring the custodial interrogation of the petitioner, even in terms of the ratio of the judgment of the Supreme Court in M.C. Abraham v. State of Maharashtra, (2003) 2 SCC 649, the petition is allowed, with the order dated 04.03.2021 made absolute, on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he would be always at liberty to avail of his remedy as per law.

December 14, 2021

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO