

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

Sr. No.225

CRM-M-14381-2021

Date of Decision: 02.12.2021

NISHAN SINGH

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.44 dated 25.02.2021 under Section 420 IPC registered at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 06.10.2021.

Order dated 06.10.2021 is as under:-

“ Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.44 dated 25.02.2021, registered under Section 420 IPC, at Police Station City Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner argues that the allegations alleged against the petitioner are incorrect and he had never participated in the written process in the Army Recruitment in the year 2015-2016 with his date of birth written as 22.03.1994. Learned counsel for the petitioner further argues that the petitioner is ready to join and cooperate in the investigation as nothing is to be recovered from him, therefore, he may be extended the benefit

of anticipatory bail.

Learned State counsel submits that the documents showing that the petitioner was the applicant in Army recruitment earlier also, are with the Government of India as the petitioner had submitted a form in the year 2015-2016 for being recruited in the Indian Army wherein his date of birth was shown as 22.03.1994 and not 22.03.1999, as being claimed in the present petition and therefore, the prayer of the petitioner for the grant of anticipatory bail may kindly be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The present proceedings are not for deciding the factum whether the petitioner is guilty of the allegations or not. While examining the prayer of the petitioner for the grant of anticipatory bail, the only question required for consideration is whether purpose of investigation will be achieved in case a direction is given to the petitioner to join investigation and cooperate or his custodial interrogation is necessary so as to elicit the truth in the allegations. In the present case, as nothing is to be recovered from the petitioner and all the documents are already with the respondent-State, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 02.12.2021. ”

Learned State counsel on instructions from ASI Balwinder Singh,

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states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 06.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He 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 petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate order.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

02.12.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No