

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17243-2021 (O&M)
Date of Decision:-2.7.2021

Gurvinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Harwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.201 dated 15.11.2016 under Section 420 IPC (Sections 120-B and 406 IPC added later on) at Police Station Phase-I, District SAS Nagar (Mohali).
2. The learned counsel for the petitioner submits that in the instant case, the petitioner had initially been granted bail in respect of offence under Section 420 IPC, which was the only offence mentioned in the FIR but subsequently, upon addition of offences under Sections 120-B and 406 IPC, the police again sought to arrest him leading to apprehension in the mind of the

petitioner, as a result of which he filed an application for grant of anticipatory bail before the trial Court, which has been dismissed.

3. At the time of issuance of notice of motion on 23.4.2021, the following order was passed :

“This petition under Section 438 Cr.P.C. has been moved by petitioner for grant of pre-arrest bail in case FIR No.201 dated 15.11.2016 under Section 420 IPC (Sections 120-B and 406 IPC added later on), registered at Police Station Phase-I, District S.A.S. Nagar (Mohali).

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that as a matter of fact on these very allegations, petitioner was granted concession of pre-arrest bail by Sessions Court, vide order dated 14.02.2017 (Annexure P/2) and later on with the passage of time, offence under Sections 120-B and 406 IPC have been added in the instant FIR. He further urges that after incorporation of offence under Sections 120-B and 406 IPC, co-accused namely Mohan Singh, Sohan Singh and Gurvinder Singh son of Pal Singh have already been extended concession of pre-arrest bail by Sessions Court, vide orders dated 08.04.2021 (Annexure P/3) and 15.04.2021 (Annexure P/11) respectively. He further urges that by incorporation of offence under Sections 120-B and 406 IPC only gravity of the offence has been enhanced, whereas allegations are the same as it were at the time of registration of FIR. He further submits that though petitioner has no nexus whatsoever with the alleged offence, he is ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to furnish detailed reply. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 02.07.2021.

Reply by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for the petitioner.

Meanwhile, in the eventuality of arrest of petitioner in the instant case FIR, he shall be enlarged on interim bail subject to his furnishing personal/surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioner shall join investigation as and when called upon to do so by Investigating Agency. Petitioner shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit.”

3. Learned State counsel, upon instructions from ASI Harwinder Singh, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation and that the petitioner is not wanted in any other case.
4. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 23.4.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

2.7.2021

kamal

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No