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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20952-2021 (O&M)
Date of decision-29.10.2021

TARLOCHAN SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ramandeep Singh, Advocate
for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Vishal Nehra, Advocate
for the complainant.

MANOJ BAJAJ, 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.0062 dated 26.04.2021, under Section 406 Indian Penal Code, 1860, registered at Police Station Division-7 Police Commissionerate, District Jalandhar. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.05.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the transaction between the parties took place in

February, 2019, whereas the FIR has been lodged after long delay to falsely implicate the petitioner. Learned counsel further contends that the complainant had willingly sold the property by way of a registered sale deed dated 22.02.2019, whereupon the photographs of the parties are also affixed, therefore, there is no misrepresentation. According to him, the petitioner has filed a civil suit for injunction, wherein despite service, the complainant/defendant has not appeared, and the dispute between the parties is purely of civil nature.

Notice of motion for 29.10.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner 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 Sohan Lal does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 26.05.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.10.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No