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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22212-2021 (O&M)
Date of Decision: 10.11.2021

Kapil Dev Saini and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.86 dated 08.05.2021 under Sections 420 and 120-B IPC, registered at Police Station Sujanpur, District Pathankot. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners have invited the attention of the Court to the order dated 07.06.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that consignment of wheat, sent by M/s Saini Food Store, a proprietorship firm of petitioner No.1 to M/s Satguru Roller Flour Mills would not amount to commission of any offence as the proprietor is a valid licence holder. According to him the necessary ingredients to constitute the offence punishable under Section 420 IPC are missing in the FIR, therefore, the custodial interrogation of accused may not be necessary. He further submits that petitioner No.2 is real brother of petitioner No.1, who has nothing to do with this

transaction and has been falsely implicated.

Notice of motion for 10.11.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their 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 petitioners further states that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners 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 Sunil Kumar does not dispute this fact that the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 07.06.2021 is made absolute.

10.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No