

202

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-22318 of 2021

Date of decision : August 25, 2021

Gurjant Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG., Punjab.

Mr. Piyush Sharma, Advocate
for the complainant.

(Through Video Conferencing)

Harsimran Singh Sethi, J (oral).

The petitioner is seeking anticipatory bail in FIR No. 0054 dated 22.05.2021 under Section 409 IPC, 1860 at Police Station Raman, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a co-ordinate Bench of this Court dated 07.06.2021. Order dated 07.06.2021 is as under:-

“ Petitioner-Gurjant Singh, stated to be aged 57 years, has filed the present petition under Section 438 Cr. P.C. inter alia praying for grant of anticipatory bail in case FIR No.0054 dated 22.05.2021, under Sections 409 of IPC, registered at P.S.

Raman, District Bathinda.

Learned counsel for the petitioner by making reference to pleadings in the petition submits that the petitioner had joined his services as Secretary in the Society on 20.11.1987. Learned counsel further submits that petitioner on 27.05.2020, moved an application seeking his retirement. It is submitted that he was going to actually reach the age of retirement on 31.03.2022. However, he submits that on 05.08.2020, the petitioner received a notice from the Arbitrator-cum-Inspector Cooperative Society, Punjab, requiring the petitioner to appear before him on 22.10.2020. He then submits that thereafter in the Month of September 2020, the petitioner received the charge sheet (Annexure P-6) for holding a departmental enquiry. He submits that for the same/similar charges as mentioned in the charges heet, the FIR has been lodged on 22.05.2021. Learned counsel then submits that the petitioner is ready and willing to join the investigation.

Notice of motion.

On asking of the Court, Mr. H.S. Sitta, Asst. A.G., Punjab, accepts notice on behalf of respondent-State through video conferencing.

Mr. Peeyush Sharma, Advocate, appears on behalf of the complainant.

Learned State counsel submits that infact the custodial interrogation of the petitioner would be required as amount has to be recovered from him.

Learned counsel for the complainant has made submissions regarding issuance of notice by the Inspector Cooperative Society. He further submits that he has also been charge-sheeted. He then submits that infact the petitioner has not been cooperating with the inspections to be conducted. He further submits that an amount is also required to be recovered from him.

Learned counsel for the petitioner, on the other hand, submits that the petitioner would co-operate with the

investigations in the present FIR and he is ready and willing to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 25.08.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) CrPC .”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Gurpreet Singh 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 they are required for the same in future as well.

In view of the above, the order dated 07.06.2021 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. They shall also join investigation as and when call 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 orders.

This petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

August 25, 2021
archana

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No