

In the High Court of Punjab and Haryana at Chandigarh
206

CRM-M-23503-2021 (O & M)
Date of Decision: October 01, 2021

AVTAR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Prateek Pandit, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

On 18.06.2021, a Coordinate Bench of this Court had passed the following order:-

“The 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.146 dated 05.12.2020, under Sections 379-B and 411 of IPC, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the present case and that too on the basis of the disclosure statement of co-accused. Learned counsel for the petitioner submits that the allegations alleged in the FIR are on the face of it false for the reason that as per the allegation, the complainant was going on his scooter to deposit the amount in a Bank when admittedly on the said day the Bank was closed. Learned counsel for the petitioner further submits that there is a delay of eight days in registration of present FIR and the co-accused have already been granted bail by the Co-ordinate Bench of this Court vide order dated 04.03.2021 while deciding CRM-M-1292-2021.

Notice of motion for 23.09.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State. Learned State counsel concedes that there is a delay of eight days in registration of FIR and also the fact that co-accused has already been granted the benefit of bail the Co-ordinate Benches of this Court.

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

Once, the petitioner has been nominated only on the basis of disclosure statement of co-accused and the co-accused has already been granted the benefit of bail by the Co-ordinate Benches of this Court, the petitioner has made out a case for the grant of anticipatory bail, especially, when learned counsel for the petitioner undertakes that the petitioner will join and cooperate in the investigation.

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.”

Learned State counsel, on instructions from ASI Satnam Singh, states that the petitioner has joined investigation.

In view of the above and the petitioner having joined investigation, the order dated 18.06.2021 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. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

October 01, 2021
A.Kaundal

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