

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

202

**CRM-M-19589-2020**

**Date of decision: 13.01.2021**

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Jaswinder Singh Grewal, Advocate  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab  
for the respondent-State.

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**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.48 dated 02.06.2020 registered under Section 379, 381, 411 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Singh Bhagwantpura, District Rupnagar.

Vide order dated 20.07.2020, while issuing notice of motion, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation.

On submission that the petitioner had not joined investigation, vide order dated 22.09.2020, the petitioner was again directed to join the investigation.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner had to get the salary of last four months and when the petitioner asked the company to pay him the salary then the present FIR has been registered against him along with other persons. The petitioner has been

implicated in the present FIR only being the employee of the company. There is no specific role attributed to the petitioner and his name has been mentioned only on the statement of the other employee of the company. Co-accused Inderpreet Singh was arrested on 03.06.2020 and he has been released on bail by the trial Court. In compliance with orders dated 20.07.2020/22.09.2020, the petitioner has joined the investigation.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Samar Singh, acknowledged that in compliance with orders dated 20.07.2020/22.09.2020 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and orders dated 20.07.2020/22.09.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

**13.01.2021**

Vishal

**(ARUN KUMAR TYAGI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No