

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

(203)

CRM-M-26919-2021.
Date of Decision:-11.11.2021.

Ranjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sukhwinder Singh Kamboj, Advocate for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. read with Section 482 of Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.68 dated 01.05.2021, registered at Police Station Julkan District Patiala, under Sections 420 and 120-B of IPC.

On 13.08.2021, this Court was pleased to pass the following order:-

“It is inter alia contended that no money has been deposited in the account of the petitioner, although as per the version of the complainant amounts have been deposited in the name of several persons.

Learned counsel for the petitioner has also stated that in fact, the complainant is related to the petitioner and the

petitioner has been falsely implicated when the petitioner's mother had asked for share in the agricultural property. It has further been submitted that there is no document to connect the petitioner with the alleged offence.

Learned State counsel has submitted that the petitioner has not joined the investigation.

Learned counsel for the petitioner has submitted that since no interim order has been passed in favour of the petitioner thus, he could not join the investigation and undertakes that in case interim protection is granted, he would join and cooperate in the investigation.

Notice of Motion.

On asking of the Court, Mr. Saurav Khurana, Deputy Advocate General, Punjab appears and accepts notice on behalf of the State and seeks time to get instructions.

Adjourned to 21.09.2021.

In the meantime, the petitioner is directed to appear before the Investigating Officer to join the investigation and in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer.

However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation.

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Learned State counsel, on instructions, has submitted that although the petitioner has joined the investigation but the money has not been refunded by the petitioner.

Keeping in view the above-said facts and circumstances, moreso, the arguments noticed in the order dated 13.08.2021 and also the fact the petitioner has joined the investigation and registration of an FIR in a dispute having civil tappings cannot be made a ply to recover money, moreso, when no money has been deposited in the account of the petitioner, the present petition for grant of anticipatory bail is allowed and the interim order dated 13.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 11, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No