

CRM-M-23806-2020

Date of Decision: 14.01.2021

Manjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Suvir Sidhu, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 165 having been registered against him at Police Station City Nawashehar, District SBS Nagar, on 05.10.2018, alleging therein the commission of offences punishable under Sections 406/408/418/420/465/467/471/120-B of the IPC.

On 15.10.2020, the following order had been passed:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

A perusal of the reply filed by the DSP, Sub-Division Nawanshahr, shows that a detailed investigation has now in fact been conducted by the District Police, with the petitioner having joined investigation and he having in fact admitted that one of the persons to whom loan was disbursed, i.e. Suresh Kumar, was in fact a ‘fictitious person’.

As per the reply, the said Suresh Kumar who took the loan was in fact not the Suresh Kumar whose bank account was checked, with that Suresh Kumar in fact having already died in Pune as per his wife, with her not recognizing the person whose photograph exists on the loan form.

However, further investigation is still in progress, with the gold pledged with the complainant company having been sent to the FSL for analysis and further, with documents/CCTV footage still required to be given by the complainant, whose head office is in Kerala.

As regards proceedings against the officials who were found negligent in investigation at the initial stage, details thereof have been given in the affidavit, with two of them having retired and therefore no action being taken against them in terms of Rule 2.2 (b) of the Punjab Civil Services Rules, Vol.II.

Mr. Sidhu wishes to file a counter affidavit to the contents of the affidavit of the DSP.

Adjourned to 14.01.2021.

Interim order to continue till that date only.”

Today, Mr. Sidhu, learned counsel for the petitioner submits that the petitioner does not wish to file any counter-affidavit to the affidavit filed by the DSP.

Learned State counsel, on instructions from ASI Sukhdev Singh, submits that the petitioner has joined investigation pursuant to the order dated 24.08.2020 and presently his custodial interrogation is not required.

In view of above, the petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon them.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

January 14, 2021
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE
Yes
No.