

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

202

**CRM-M-32855 of 2021
Date of Decision:21.09.2021**

Amarjeet Khanijo

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Karan Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

Mr. Munish Bahl, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 13.08.2021 the following order had been recorded by this court:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.311, dated 20.06.2021, having been registered at Police Station Civil Lines, District Karnal, alleging therein the commission of offences punishable under Sections 406 and 420 of the IPC.

Learned counsel for the petitioner submits that the petitioner is 70 years old and is virtually illiterate except for being able to sign his name and consequently, with even the allegation in the FIR not being essentially against him but against his son and co-accused, Atul

Khanijo, he may be granted the concession of bail.

Notice of motion is issued to the respondent-State, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice at the asking of the court.

Learned State counsel submits that as per his instructions, the person to whom the motorcycle in question had been sold by forging the signatures of a dead man (the other son of the petitioner), had stated that it was the petitioner who had handed over the motorcycle and the documents to him and had also been paid sale consideration for the same; and therefore, the petitioner does not deserve to be admitted to bail at all.

Having considered the matter, looking simply at the age of the petitioner and the fact that at least as per the FIR the main accused seems to be petitioners' son, Atul Khanijo (with that observation not made on the merits of the case by this court), the petitioner is directed to join investigation within one week and upon his doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Learned State counsel also submits that in the FIR offences punishable under Sections 467, 468 and 471 of the IPC have been added, as has been already noticed in fact by the learned Addl. Sessions Judge, Karnal, while dismissing a similar petition filed by the petitioner on 02.08.2021.

Looking at the fact that the petitioner has been admitted to bail essentially on the ground of his age, at this stage, naturally, he would be treated to have been admitted to bail as regards the commission of

those offences also (as alleged), even though the petition is only one seeking bail for him in the context of offences punishable under Sections 406 and 420 of the IPC.

Adjourned to 21.09.2021.

A gazetted officer is directed to file a reply to the petition.”

Today learned State counsel submits, on instructions, that even as per the reply filed by the DSP, (HQ), Karnal, dated 16.09.2021, with the petitioner having joined investigation, his custodial interrogation presently at least is not required.

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 13.08.2021 made absolute on the same terms and conditions.

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

The aforesaid reply is ordered to be taken on record.

September 21, 2021
dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No