

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

Sr. No.204

CRM-M-33625 of 2021

Date of Decision: 16.11.2021

SURESH KUMAR

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Isha Goyal, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.142 dated 22.07.2021 under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 19.08.2021.

Order dated 19.08.2021 is as under:-

“ 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.142 dated 22.07.2021, registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner argues that in the FIR, except the averment that the petitioner accompanied the co-accused, namely, Harbans Singh, to meet the complainant, no other allegations of receiving any money from the complainant find mention. Learned counsel for the petitioner further argues that the details given in the FIR are only against the co-accused, namely, Harbans Singh qua the receipt of the money on the pretext of providing job. Learned counsel for the petitioner submits that the petitioner is ready to join the investigation and as nothing is to be recovered from him, his custodial interrogation is not necessary.

Notice of motion for 16.11.2021.

Mr. Sandeep Kumar, Deputy Advocate General, 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, on instructions from SI Sarabjit Singh, concedes that only allegation against the petitioner in the present FIR is of accompanying the co-accused, namely, Harbans Singh and there is no allegation of payment of money to him by the complainant. Learned State counsel submits that there is another FIR against the petitioner being FIR No.79 dated 22.07.2021, wherein also, the allegations against the petitioner are for receiving money on the pretext of providing job. Learned State counsel further submits that the custodial interrogation of the petitioner is necessary to find out the truth.

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

Once, it is conceded by learned State counsel that in the FIR there is no allegation of payment of any money by the complainant to the petitioner and nothing is to be recovered from the petitioner, the purpose of investigation will suffice in case he is directed to join the investigation.

Hence, 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.

It is made clear that this order is being passed in respect of FIR No.142 dated 22.07.2021 (Annexure P-1) keeping in view the facts & circumstances/allegations mentioned therein. The trial Court will pass an

appropriate order in case the petitioner files any bail application in FIR No.79 dated 22.07.2021, registered under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC, at Police Station Longowal, District Sangrur, keeping in view the facts and circumstance mentioned therein qua the petitioner. ”

Learned State counsel, on instructions from SI Sarabjit Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 19.08.2021 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.11.2021
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No