

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM-M-33948-2021

Date of Decision : November 17, 2021

Gagandeep Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jasneet Mehra, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Deepak Gupta, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 45 dated 22.03.2019 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Sadar Faridkot, District Faridkot.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 16.09.2021. Order dated 16.09.2021 is as under:-

“CRM-29205 of 2021

As prayed for, application is allowed.

CRM-M-33948 of 2021

The 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.45 dated 22.03.2019 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Sadar Faridkot, District Faridkot, wherein, the

petitioner has been summoned in view of the application filed by the prosecution under Section 319 of CR.P.C.

Learned counsel for the petitioner argues that though, the trial Court has recorded a finding that custodial interrogation of the petitioner is not required as he has been summoned under Section 319 Cr.P.C but, the prayer for the grant of anticipatory bail has been rejected on the ground that there is a specific allegation alleged against the petitioner that he has hatched a conspiracy alongwith the co-accused to defraud the complainant, the benefit of anticipatory bail cannot be granted to him.

Learned counsel for the petitioner argues that whether the petitioner is guilty of the allegations alleged against him or not is yet to be proved during the trial and as of now nothing is to be recovered from the petitioner and he has only been summoned keeping in view the order passed on the application filed by the prosecution under Section 319 Cr.P.C, therefore, the petitioner be granted the benefit of anticipatory bail.

Learned State counsel submits that the petitioner was exonerated in the inquiry conducted by the investigating agency but, keeping in view the facts, which have come during trial, the petitioner has been summoned to face trial as an additional accused on an application filed by the prosecution under Section 319 Cr.P.C.

Learned counsel appearing for the complainant submits that as an amount of Rs.30,00000/- is yet to be recovered from the petitioner, therefore, he may not be granted the benefit of anticipatory bail.

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

Once, the trial Court has recorded a finding that custodial interrogation of the petitioner is not required, no reason has come forward, as to why, the benefit of anticipatory bail be not granted to the petitioner, especially,

when the allegations alleged against the petitioner are yet to be proved during trial, learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, in any manner, hence, the petitioner has made out a case for the grant of anticipatory bail.

Keeping in view the same, the petitioner is directed to join the proceedings before the trial Court within a period of next 10 days and in the said event, the petitioner be extended the benefit of anticipatory bail to the satisfaction of the trial Court/Ilqa Magistrate concerned.

Adjourned to 17.11.2021.”

Learned State counsel, who is present in the Court, on instructions from ASI Jagtar 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 16.09.2021 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.

November 17, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No