

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35744-2021 (O&M)
Date of Decision:- 16.12.2021

Rajvir Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Shamsher Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.162 dated 3.8.2021 at Police Station Samrala, District Ludhiana under Sections 379-B, 34 of Indian Penal Code, wherein offences under Sections 392, 473, 120-B and 34 of Indian Penal Code were added later on.

2. At the time of issuance of interim directions the following order was passed on 1.9.2021:

“The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.162 dated 3.8.2021 at Police Station Samrala, District Ludhiana under Sections 379-B, 34 of Indian Penal Code, wherein offences under Sections 392, 473, 120-B and 34 of Indian Penal Code were added later on.

The FIR was lodged at the instance of Neeraj Kumar, wherein it is alleged that he is working as a Sales Officer in ‘Sairam Agri-Tech Private Limited Company’ and that his responsibility is to collect payments from the dealers in the area allotted to him. It is alleged that on 3.8.2021 he had collected an amount of Rs.6.54 lakhs and was accompanied by his colleague Tarwinder Singh, who had collected an amount of Rs.4.10 lakhs and also his colleague Baljit Singh, who had collected an amount of Rs.6.30 lakhs. It is alleged that while they were travelling in a car, they were stopped by 3 unknown persons, who had obstructed their way with the help of their car and who by brandishing a pistol, took away the amount which they were carrying, which is around Rs.16.94 lakhs.

Learned counsel for the petitioner has submitted that subsequently during the course of investigation, it transpired that Tarwinder Singh, a colleague of the complainant, who was accompanying the complainant was responsible for the incident in question and was consequently arrested. It is further the case of prosecution that during interrogation of said Tarwinder Singh, he disclosed the names of his 3 accomplices as Rajinder Singh, Jatinder Sharma, Vijay Kumar, Sandeep Singh and Satpal Singh. It is further the case of prosecution that upon arrest of Jatinder Sharma,

Vijay Kumar, Sandeep Singh and Satpal Singh, they were interrogated and upon their interrogation Jatinder Sharma disclosed the name of petitioner to be a conspirator, whose pistol had allegedly been used in the commission of offence.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that had he been a conspirator, then Tarwinder Singh would have taken his name in the first instance. It has further been submitted that, in any case, the petitioner is neither having any pistol nor is having any armed license, which would clearly show that the petitioner has been falsely implicated and that the petitioner has clean antecedents.

Notice of motion for 16.12.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. The learned State counsel, upon instructions from ASI Shamsher Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required. It has also been informed that the petitioner is not wanted in any other case.
4. In view of the aforesaid submission, the petition is accepted and the interim directions issued by this Court vide order dated 1.9.2021 are hereby made absolute subject to the condition that the petitioner shall

join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No