

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-36520-2021

Date of Decision : 24.11.2021

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. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.79 dated 22.07.2021 registered under Sections 420, 406, 465, 467, 468, 471 and 120-B of the IPC at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of the order passed by this Court on 06.09.2021. Order dated 06.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.79 dated 22.07.2021 registered under Sections 420, 406, 465, 467, 468, 471, 120-B of IPC at Police Station City Longowal, District Sangrur.

Learned counsel for the petitioner argues that the petitioner, who has been described as Rakesh Kumar in the FIR, has wrongly be roped in the present case and even as per the allegations mentioned in the FIR, there is no averment that the complainant paid any amount

to the petitioner for securing a job. Learned counsel for the petitioner further argues that there were two complaints registered by two parties on similar allegations and in FIR No.142 dated 22.07.2021, the petitioner has already been granted the benefit of anticipatory bail.

Notice of motion.

Mr. Rana Harjasdeep Singh, 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 the respondent-State.

Learned counsel for the State concedes that there were two FIRs registered on the basis of similar allegations made by two persons against the same accused and the petitioner has already been granted the benefit of anticipatory bail in FIR No.142 dated 22.07.2021 by this Court while passing an order in CRM-M-33625 of 2021.

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

Once the allegations in FIR No.142 dated 22.07.2021 as well as in the present FIR i.e. FIR No.79, which is also dated 22.07.2021 are similar in nature and the petitioner has already been granted the benefit of anticipatory bail in FIR No.142 dated 22.07.2021, the petitioner has made out a case for the grant of anticipatory bail on the ground of parity and the purpose of investigation can be achieved in case the petitioner is directed to join the investigation as he has undertaken to cooperate with the investigation.

Petitioner is directed to join and cooperate in 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 his/her satisfaction 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.

Adjourned to 24.11.2021

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from ASI Gurtej Singh, states that in terms of the order passed by this Court, reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 06.09.2021 passed by this Court 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 24, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No