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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.38279 of 2021 (O&M)

Date of decision: 03.11.2021

Narinder Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Viridi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.169 dated 29.06.2021 registered under Sections 420/120-B IPC at Police Station City Phagwara, District Kapurthala.

On 15.09.2021, the following order was passed:-

“Learned counsel contends that the allegations in the FIR are that property of Harmesh Kumar Gabba s/o Mehnga Ram r/o B/2-212, Dilbagh Colony, Goraya, which had been attached by the Enforcement Directorate was sold by the said accused despite the orders of attachment having been sent by the Enforcement Directorate to Sub Registrar i.e. Tehsildar P.K. Chibbar who in turn was required to mark the said orders to the Kanungo, while the Kanungo was in turn required to mark the same to the petitioner i.e. Patwari and on account of failure of the Tehsildar to mark the orders to the Kanungo and consequential failure of Kanungo to mark the orders to the petitioner i.e. the Patwari, no fault can be attributed to the petitioner, who was working as Patwari, therefore, the

petitioner is entitled to grant of pre-arrest bail. Learned counsel further contends that the petitioner does not have any previous criminal record and is ready and willing to join investigation and fully cooperate with the same.

Notice of motion.

Mr. B.S. Sewak, Addl.A.G. Punjab, accepts notice on behalf of the respondent-State and on instructions from ASI Bakhshish Singh, confirms the position as stated by learned counsel for the petitioner is correct and in fact an enquiry was conducted by the Superintendent of Police, Phagwara, in which the Sub Registrar (Tehsildar P.K. Chibber) has been exonerated and further that the orders of attachment passed by the Directorate of Enforcement were never conveyed by the Sub Registrar (Tehsildar P.K. Chibber) either to the Kanungo or to the petitioner. He, however, requests for time to file reply by way of affidavit of the concerned officer.

Adjourned to 22.09.2021.”

Reply by way of affidavit of the Superintendent of Police, Sub-Division Phagwara, District Kapurthala, is on record.

Counsel for the petitioner has argued that even as per the conclusion report, it was negligence on the part of the Tehsildar and there was no intention of the petitioner to be a part of any conspiracy.

Counsel for the State could not dispute the factual position, however, opposed the prayer for bail.

After hearing the counsel for the parties, considering the fact that there was no intention of the petitioner to be a part of any conspiracy, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing

bail/surety bonds subject to the following conditions:-

- 1. *He shall make himself available for interrogation by a police officer as and when required;*
- 2. *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 such facts to the Court or to any police officer; and*
- 3. *He shall not leave India without previous permission of the Court.*

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2021
yakub

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