

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M No.38877 of 2021
Date of Decision: 30.11.2021

Parkash

... Petitioner

Versus

State of Punjab

... Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashutosh Gupta, Advocate,
for Mr. Mahir Sood, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.138 dated 18.12.2019 registered under Sections 420, 406, 120B of the IPC at Police Station Dhakoli, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of the order passed by this Court on 20.09.2021.

Order dated 20.09.2021 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.138 dated 18.12.2019 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station Dhakoli, District SAS Nagar.

Learned counsel for the petitioner submits that the ingredients of Sections 420 and 406 IPC, keeping in view the facts and circumstances of the present case, are not made out. Learned counsel for the petitioner further submits that the property/stock which has been sold, belonged to the petitioner and was only hypothecated by the Bank and the Bank cannot claim the ownership of the

same and therefore, the present is a case of civil dispute and not of a criminal breach of trust as being made out in the present FIR. Learned counsel for the petitioner further submits that the petitioner is ready to join the investigation and cooperate with the same and therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned 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 respondent-State, on the other hand, submits that the property hypothecated with the Bank could not have been sold by the petitioner keeping in view the agreement between the Bank and the petitioner. Learned counsel for the respondent-State further submits that the proceeds of the sold property are yet to be ascertained and therefore, the custodial interrogation of the petitioner is necessary.

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

Keeping in view the facts and circumstances of the present case especially when the petitioner is ready to join the investigation and cooperate, the purpose of investigation will be achieved, in case, a direction is issued to the petitioner to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

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 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 30.11.2021.

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, who has also joined the proceedings through video conference, on instructions from ASI Nirmal Singh, states that in terms of the order of 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 20.09.2021 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 he

is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

30.11.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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