

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-38739 of 2021
Date of Decision : 23.11.2021

Vikram

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 233 dated 11.07.2021 registered under Sections 419, 420, and 120-B of the IPC at Police Station Civil Lines, Patiala, District Patiala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 17.09.2021. Order dated 17.09.2021 is as under:-

“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.233 dated 11.07.2021 registered under Sections 419, 420, and 120-B of the IPC at Police Station Civil Lines, Patiala, District Patiala.

Learned counsel for the petitioner argues that in the present case, the co-accused, who is alleged to have impersonated the petitioner, has already been granted the benefit of regular bail. Learned counsel for the petitioner

submits that nothing is to be recovered from the petitioner and the petitioner is also ready to join and cooperate in the investigation, and, therefore, the petitioner be granted the benefit of anticipatory bail.

Notice of motion for 23.11.2021.

Mr. Sandeep Kumar. DAG, Punjab, who is present in the Court accepts notice on behalf of the respondent-State.

Learned State counsel submits that the petitioner was the beneficiary of the incident, therefore, it cannot be said that the petitioner is not involved in the present case as co-accused Raninder Singh impersonated the petitioner and appeared in the examination. Learned State counsel submits that the original Admit Card is yet to be recovered from the petitioner.

Learned counsel for the petitioner submits that in case, the petitioner is allowed to join the investigation, he will cooperate with the police in all respect.

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

Once, the main accused, who was caught impersonating the petitioner during examination, has already been granted the benefit of bail and nothing is to be recovered from the petitioner except the Admit Card, the purpose of investigation can be achieved in case, the petitioner is directed to join and cooperate in the investigation.

The 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 the satisfaction of the Arresting Officer/Investigating Officer 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.”

Learned State counsel on instructions from ASI Raj Kapoor states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 17.09.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No