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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-36619-2020
Date of decision-16.09.2021**

HARJINDER SINGH AND ANR**...Petitioners****Vs.****STATE OF PUNJAB****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Sonpreet Singh Brar, Advocate
for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.207 dated 19.08.2019, under Sections 420, 506 & 120-B Indian Penal Code, 1860, registered at Police Station City Tarn Taran, District Tarn Taran, Punjab. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 09.11.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Heard through video conferencing.

Learned counsel for the petitioners has contended that the petitioners were granted bail by the Court of Additional Sessions Judge, Tarn Taran vide order dated 21.08.2020. Thereafter, another

FIR came to be lodged against the petitioners on the ground that the petitioners had attacked the police party, in which the interim relief has been granted to the petitioners by the Supreme Court. It has been further contended by the learned counsel for the petitioners that because of lodging of the second FIR, the petitioners were unable to join investigation and therefore the order dated 12.09.2020 was passed wherein it has been noticed that the petitioners have failed to join investigation. He further contends that the petitioners were unable to join the investigation due to the reason that they have been falsely implicated in the other FIR and the failure to join investigation was not intentional and they be given one opportunity to join investigation and they would fully cooperate with the Investigating Officer.

Learned counsel for the petitioners has further contended that M/s Matharu Agricultural Industries was a sole proprietorship firm and petitioner No.1 was only as a guarantor for the loans taken by the firm while petitioner No.2 has nothing to do with the said firm.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent/State and, on instructions from ASI Gurmeet Singh, has stated that the petitioners had earlier been granted anticipatory bail by the Court of Additional Sessions Judge, Tarn Taran vide order dated 21.08.2020. However, they failed to join the investigation.

In the present case, the dispute prima facie appears to have arisen out of financial transactions between the complainant and the petitioners herein. The cheques were initially issued by one Harpreet Singh (since deceased) in the year 2018. The FIR was lodged on 19.08.2019. Thereafter, the said Harpreet Singh (deceased) who was the sole proprietor of the firm (M/s Matharu Agricultural

Industries) committed suicide on 06.11.2019. It has also been brought to the notice of the Court that M/s Matharu Agricultural Industries was a sole proprietorship firm and petitioner No.1 was added only as a guarantor for the loans which were taken by the firm. Petitioner No.2 in the present case has nothing to do with the said firm, M/s Matharu Agricultural Industries.

List on 14.12.2020.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioners shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Rajinder Singh does not dispute this fact that the petitioners have joined the investigation and they are not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 09.11.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

16.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No