

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36163 of 2020
Date of decision:22.07.2021

Surinderpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CRM-M-36165 of 2020

Sandeep Kumar @ Raju Seth

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.B.S.Mann, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Jagdish Manchanda, Advocate and
Mr. Ravi Gakhar, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due
to Covid-19 pandemic.

This order will dispose of two petitions i.e. CRM-M-36163 of
2020 titled as 'Surinderpal Singh Vs. State of Punjab' and CRM-M-36165 of

2020 titled as 'Sandeep Kumar @ Raju Seth Vs. State of Punjab.'

On 05.11.2020, this Court passed the following order:-

“Petitioners-Surinderpal Singh (in CRM-M-36163-2020) and Sandeep Kumar (in CRM-M-36165-2020), stated to be aged 43 & 35 years respectively, have filed the present respective petitions inter alia with a prayer for grant of anticipatory bail in case FIR No.268 dated 17.10.2020, registered under Sections 452/506/148/149 of Indian Penal Code and Section 25/27 of Arms Act, at Police Station Sadar Sri Muktsar Sahib. For the sake of convenience, facts are taken from CRM-M-36163-2020.

Learned counsel for the petitioner(s) submits that a perusal of the FIR would show that no specific incident nor any special role has been attributed to the petitioner(s) except general allegations. He further submits that there is a delay of nine hours in reporting the matter. There are further certain submissions made regarding some transactions (mentioned in para 4 of the petition).

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from SI Bashir Singh, submits that the investigation is still going on. He refers to the contents of the FIR, to submit that on merits, the petitioner(s)

do not deserve to be granted concession of anticipatory bail. It is also submitted that no other case is pending against the petitioner(s).

At this stage, Mr. Jagdish Manchanda, Advocate, appears on behalf of the complainant and submits that perusal of the FIR would show that the FIR has been lodged on the statement of Paramjit Singh son of Ram Singh. He then submits that as per the allegations in the FIR, there is a reference of an earlier transaction (about 2-3 years back) regarding taking of a combine. He further submits that this reference is to the incident of 17.10.2020 when allegedly the petitioner(s) along with Balraj Singh, visited their shop and as per the allegations in the FIR, were guilty of alleged offences as per the FIR. He submits that CCTV footage would show that in fact the petitioner(s) were involved in the alleged offence. It is also stated that the petitioner(s) are therefore not entitled to the concession of anticipatory bail and in case, they are released on bail, they would again harass the complainant and indulge themselves in same/similar crime.

Faced with the situation, learned counsel for the petitioner(s) submits that he has instructions from the petitioner(s) and their family members, to submit that to show their bona fide and without prejudice to defence in the trial, they would submit bank guarantee/papers of some immovable property, worth

Rs.10 lacs each (in the name of petitioner(s) of any of their relative) to the Investigation Officer. They would also give an undertaking that they would not involve themselves in any other case (today onwards) and in case, they are found involved in some other case, the above said property can be confiscated and the amount so realized, can be deposited in the government treasury.

Counsel for the petitioner(s) submits that the petitioner(s) are ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner(s) in jail would be dangerous to their lives.

Without commenting upon merits of the case, in view of the peculiar facts and circumstances of the present case noticed above and also the present situation due to COVID 19, this Court deems it appropriate to direct the petitioner(s) to appear before the Investigating Officer to join investigation.

In the event of arrest, the petitioner(s) shall be released on interim bail, subject to their furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner(s) shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

In addition to the above bail/surety bonds, accepting the offer made by counsel for the petitioner(s), the petitioner(s) are

directed to submit bank guarantee/original papers of some immovable property, worth Rs.10 lacs each (in the name of petitioner(s) or any of their relative) to the Investigating Officer. The petitioner(s) are also directed to give an undertaking that they would not involve themselves in any other case (today onwards) and in case, they are found and involved in some other case, the above said bank guarantee/property shall be confiscated and the amount so realized i.e. Rs.10 lacs each, shall be forfeited and deposited in the government treasury.

Let status report/reply be filed after allowing the petitioner(s) to join investigation.

Adjourned to 09.04.2021.

Photocopy of this order be placed on connected file of this case.”

Counsel for the petitioner submits that in pursuance to the interim order passed by this Court, the petitioner had deposited original documents of property worth Rs.10.00 lakhs with the investigating officer.

Status report has been filed by the State.

Learned State counsel, on instructions from SI Jaspreet Singh submits that the petitioner has joined investigation and is no longer required for custodial interrogation. He has further instructions to submit that no other criminal case is pending against the petitioner.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 05.11.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

July 22, 2021
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No