

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41905-2021

Date of decision : 16.12.2021

Jasmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashish Grover, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Munish Kumar Singla, Advocate and
Ms.Sonika, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR no.0071 dated 15.08.2021 registered under Sections 486, 420 IPC at Police Station Bajakhana, District Faridkot.

On 06.10.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.71 dated 15.08.2021 registered under Sections 486, 420 of the Indian Penal Code, 1860 at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioner inter alia contends that in the present case, FIR has been registered by an individual and not by the Government

and the primary allegation is that the petitioner has been putting two numbers on one truck so as to evade his tax liability. It is submitted that with respect to the said tax liability, no such proceedings have been initiated by the Government of Punjab. It is further submitted that one truck is already in possession of the State and with respect to the other truck, Registration Certificate has been produced through Whatsapp group and the same is taken on record as "Mark 'A'".

Learned counsel for the petitioner has submitted that the petitioner is a cancer patient and after the notice under Section 41-A of Cr.P.C. had been issued, he had already joined the investigation and he is still ready to join for further investigation.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Mr. Manish Kumar Singla, Advocate has appeared on behalf of the complainant and has vehemently opposed the present petition for grant of anticipatory bail to the petitioner and has also referred to certain documents.

Adjourned to 16.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. It will be open to the learned counsel for the complainant to argue the matter on the next date of hearing."

Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Baldev Singh, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Learned counsel for the complainant has opposed the petition for anticipatory bail.

Keeping in view the above said facts and circumstances, moreso, the facts which have been noticed in the order dated 06.10.2021 and also the fact that the petitioner has joined the investigation and as per the State counsel, the petitioner is not required for further investigation, the present petition for anticipatory bail is allowed and the interim order dated 06.10.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 16, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No