

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37719-2020
Date of decision : 29.10.2021

Jatinder Kapoor

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Maneet Kumar Arya, Advocate and
Mr.Abhishek Kharb, Advocate
for the petitioner.

Mr.A.K.Kaundal, DAG,Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.48 dated 09.06.2019 registered under Section 420, 406 IPC at Police Station Talwara, District Hoshiarpur.

On 16.11.2020, a co-ordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.48 dated 09.06.2019 registered under Sections 420 and 406 of the Indian Penal Code, 1860 in Police Station Talwara, District Hoshiarpur.

Learned Counsel for the petitioner has submitted that the petitioner is one of the victims who had lodged the FIR. The petitioner has been falsely implicated in the

case on the basis of disclosure statement made co-accused Rupinder Singh. Co-accused Rupinder Singh had issued cheques in the name of the petitioner and his wife which were dishonoured. The petitioner is not liable for causing of loss to the complainants/victims. In similar case FIR No.129 dated 28.12.2019 registered under Sections 420, 406 and 120-B of the IPC in Police Station Division No.1, District Pathankot, the petitioner has been granted interim anticipatory bail by the Coordinate Bench vide order dated 24.01.2020 passed in CRM-M-3165-2020. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sandeep Kumar, DAG, Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 14.12.2020.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

To be listed with CRM-M-9020-2020.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioners has already joined investigation.

Learned State counsel, on instructions from ASI Gulshan

required for custodial interrogation.

Keeping in view the above said facts and circumstances, more so, the fact that the petitioner has been implicated in the case on the basis of disclosure statement made by co-accused and he has already joined the investigation and not required for custodial interrogation, the present petition is allowed and the interim order dated 16.11.2020 is made absolute.

However, 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

October 29, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No