

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.38477 of 2020
Date of Decision: February 18, 2021

Harinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr.Gagandeep Jammu, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.96 dated 02.10.2020, under Sections 406 and 420 IPC, 1860, registered at Police Station, Mullanpur, District S.A.S.Nagar. The petitioner apprehended his arrest at the hands of police.

Learned senior counsel for the petitioner has invited the attention of the Court to the order dated 23.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned Senior counsel for the petitioner contends that the alleged amount as per FIR was paid by the complainant for sending his son and another person abroad and the FIR has been lodged after five years on 02.10.2020. He has invited the attention of the Court to the agreement to sell dated 25.06.2015 to contend that the amount was paid pursuant to

the agreement to sell and therefore, the allegations made in the FIR are false. He contends that in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 18.02.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner 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 Kuldeep Singh, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions, further states that the petitioner is 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 23.11.2020 is made absolute.

February 18 , 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No